

117TH CONGRESS
1ST SESSION

H. R. 3233

AN ACT

To establish the National Commission to Investigate the January 6 Attack on the United States Capitol Complex, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Commission
3 to Investigate the January 6 Attack on the United States
4 Capitol Complex Act”.

5 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

6 There is established in the legislative branch the Na-
7 tional Commission to Investigate the January 6 Attack on
8 the United States Capitol Complex (hereafter referred to
9 as the “Commission”).

10 **SEC. 3. PURPOSES.**

11 Consistent with the functions described in section 4,
12 the purposes of the Commission are the following:

13 (1) To investigate and report upon the facts
14 and causes relating to the January 6, 2021, domes-
15 tic terrorist attack upon the United States Capitol
16 Complex (hereafter referred to as the “domestic ter-
17 rorist attack on the Capitol”) and relating to the in-
18 terference with the peaceful transfer of power, in-
19 cluding facts and causes relating to the preparedness
20 and response of the United States Capitol Police and
21 other Federal, State, and local law enforcement in
22 the National Capitol Region and other instrumen-
23 tality of government, as well as the influencing fac-
24 tors that fomented such attack on American rep-
25 resentative democracy while engaged in a constitu-
26 tional process.

1 (2) To examine and evaluate evidence developed
2 by relevant Federal, State, and local governmental
3 agencies, in a manner that is respectful of ongoing
4 law enforcement activities and investigations regard-
5 ing the domestic terrorist attack upon the Capitol,
6 regarding the facts and circumstances surrounding
7 such terrorist attack and targeted violence and do-
8 mestic terrorism relevant to such terrorist attack.

9 (3) To build upon the investigations of other
10 entities and avoid unnecessary duplication by review-
11 ing the findings, conclusions, and recommendations
12 of other executive branch, congressional, or inde-
13 pendent bipartisan or non-partisan commission in-
14 vestigations into the domestic terrorist attack on the
15 Capitol and targeted violence and domestic terrorism
16 relevant to such terrorist attack, including investiga-
17 tions into influencing factors related to such ter-
18 rorist attack.

19 (4) To investigate and report to the President
20 and Congress on its findings, conclusions, and rec-
21 ommendations for corrective measures that may in-
22 clude changes in law, policy, procedures, rules, or
23 regulations that could be taken to prevent future
24 acts of targeted violence and domestic terrorism, in-
25 cluding to prevent domestic terrorist attacks against

1 American democratic institutions, improve the secu-
2 rity posture of the United States Capitol Complex
3 while preserving accessibility of the Capitol Complex
4 for all Americans, and strengthen the security and
5 resilience of the Nation and American democratic in-
6 stitutions against domestic terrorism.

7 **SEC. 4. FUNCTIONS OF COMMISSION.**

8 The functions of the Commission are to—

9 (1) conduct an investigation of the relevant
10 facts and circumstances relating to the domestic ter-
11 rorist attack on the Capitol, including relevant facts
12 and circumstances relating to—

13 (A) activities of intelligence agencies, law
14 enforcement agencies, and the Armed Forces,
15 including with respect to intelligence collection,
16 analysis, and dissemination and information
17 sharing among relevant instrumentality of gov-
18 ernment;

19 (B) influencing factors that contributed to
20 the domestic terrorist attack on the Capitol and
21 how technology, including online platforms, fi-
22 nancing, and malign foreign influence oper-
23 ations and campaigns may have factored into
24 the motivation, organization, and execution of
25 the domestic terrorist attack on the Capitol and

1 targeted violence and domestic terrorism rel-
2 evant to such attack; and

3 (C) other entities of the public and private
4 sector as determined relevant by the Commis-
5 sion for such investigation;

6 (2) identify, review, and evaluate the causes of
7 and the lessons learned from the domestic terrorist
8 attack on the Capitol and targeted violence and do-
9 mestic terrorism relevant to such attack regarding—

10 (A) the command, control, and commu-
11 nications of the United States Capitol Police,
12 the National Guard, the Metropolitan Police
13 Department of the District of Columbia, and
14 other Federal, State, and local law enforcement
15 in the National Capitol Region on or before
16 January 6, 2021;

17 (B) the structure, coordination, operational
18 plans, policies, and procedures of the Federal
19 Government, including as such relate to State
20 and local governments and nongovernmental en-
21 tities, and particularly with respect to detecting,
22 preventing, preparing for, and responding to
23 targeted violence and domestic terrorism;

24 (C) the structure, authorities, training,
25 manpower utilization, operational planning, and

1 use of force policies of the United States Cap-
2 itol Police;

3 (D) the policies, protocols, processes, pro-
4 cedures, and systems for sharing of intelligence
5 and other information by Federal, State, and
6 local agencies with the United States Capitol
7 Police, the Sergeants at Arms of the House of
8 Representatives and the Senate, the Govern-
9 ment of the District of Columbia, including the
10 Metropolitan Police Department of the District
11 of Columbia, the National Guard, and other
12 Federal, State, and local law enforcement in the
13 National Capitol Region on or before January
14 6, 2021, and the related the policies, protocols,
15 processes, procedures, and systems for moni-
16 toring, assessing, disseminating, and acting on
17 intelligence and other information, including
18 elevating the security posture of the United
19 States Capitol Complex, derived from instru-
20 mentality of government, open sources, and on-
21 line platforms; and

22 (E) the policies, protocols, processes, pro-
23 cedures, and systems for interoperability be-
24 tween the United States Capitol Police and the
25 National Guard, the Metropolitan Police De-

1 partment of the District of Columbia, and other
2 Federal, State, and local law enforcement in the
3 National Capitol Region on or before January
4 6, 2021; and

5 (3) submit to the President and Congress re-
6 ports required pursuant to section 10 containing
7 such findings, conclusions, and recommendations,
8 which may include changes in law, policy, proce-
9 dures, rules, or regulations, to improve the detection,
10 prevention, preparedness for, and response to tar-
11 geted violence and domestic terrorism and improve
12 the security posture of the United States Capitol
13 Complex and ensure the security of Members of
14 Congress and staff.

15 **SEC. 5. COMPOSITION OF COMMISSION.**

16 (a) MEMBERS.—The Commission shall be composed
17 of ten members, of whom—

18 (1) one member shall be appointed jointly by
19 the Speaker of the House of Representatives and the
20 majority leader of the Senate to serve as Chair-
21 person of the Commission;

22 (2) one member shall be appointed jointly by
23 the minority leader of the House of Representatives
24 and the minority leader of the Senate to serve as
25 Vice Chairperson of the Commission;

1 (3) two members shall be appointed by the
2 Speaker of the House of Representatives;

3 (4) two members shall be appointed by the mi-
4 nority leader of the House of Representatives;

5 (5) two members shall be appointed by the ma-
6 jority leader of the Senate; and

7 (6) two members shall be appointed by the mi-
8 nority leader of the Senate.

9 (b) QUALIFICATIONS; INITIAL MEETING.—

10 (1) NONGOVERNMENTAL APPOINTEES.—An in-
11 dividual appointed to the Commission may not be an
12 officer or employee of an instrumentality of govern-
13 ment.

14 (2) OTHER QUALIFICATIONS.—It is the sense of
15 Congress that individuals appointed to the Commis-
16 sion should be prominent United States citizens,
17 with national recognition and significant depth of ex-
18 perience in at least two of the following areas:

19 (A) Governmental service.

20 (B) Law enforcement.

21 (C) Civil rights, civil liberties, and privacy.

22 (D) The Armed Forces.

23 (E) Intelligence.

24 (F) Counterterrorism.

25 (G) Cybersecurity.

1 (H) Technology.

2 (I) Law.

3 (3) INITIAL MEETING.—The Commission shall
4 meet and begin the initial operation of the Commis-
5 sion as soon as practicable, but not earlier than 15
6 days after the date of the enactment of this Act.

7 (c) TIMING FOR APPOINTMENT.—All members of the
8 Commission shall be appointed not later than 10 days
9 after the date of the enactment of this Act.

10 (d) QUORUM; VACANCIES.—After its initial meeting,
11 the Commission shall meet upon the call of the Chair-
12 person or a majority of its members. A majority of mem-
13 bers of the Commission shall constitute a quorum. Any
14 vacancy in the Commission shall not affect its powers, but
15 shall be promptly filled in the same manner in which the
16 original appointment was made.

17 (e) COMPENSATION.—Each member of the Commis-
18 sion may be compensated at not to exceed the daily equiva-
19 lent of the annual rate of basic pay in effect for a position
20 at level III of the Executive Schedule under section 5314
21 of title 5, United States Code, for each day during which
22 that member is engaged in the actual performance of the
23 duties of the Commission.

24 (f) TRAVEL EXPENSES.—Each member of the Com-
25 mission shall receive travel expenses, including per diem

1 in lieu of subsistence, in accordance with applicable provi-
2 sion under subchapter I of chapter 57 of title 5, United
3 States Code.

4 **SEC. 6. POWERS OF COMMISSION.**

5 (a) IN GENERAL.—

6 (1) HEARINGS AND EVIDENCE.—The Commis-
7 sion or, as delegated by the Chairperson and the
8 Vice-Chairperson, any subcommittee or member
9 thereof, may, for the purpose of carrying out this
10 Act—

11 (A) hold such hearings and sit and act at
12 such times and places, take such testimony, re-
13 ceive such evidence, and administer such oaths
14 as the Commission or such designated sub-
15 committee or designated member may deter-
16 mine advisable; and

17 (B) subject to paragraph (2)(A), require,
18 by subpoena or otherwise, the attendance and
19 testimony of such witnesses and the production
20 of such books, records, correspondence, memo-
21 randa, papers, or documents, or any other
22 paper or electronic material, as the Commission
23 or such designated subcommittee or designated
24 member may determine advisable.

25 (2) SUBPOENAS.—

1 (A) IN GENERAL.—The Commission may
2 issue subpoenas requiring the attendance and
3 testimony of witnesses and the production of
4 any evidence relating to any matter which the
5 Commission is empowered to investigate under
6 this Act. Such subpoenas shall be issued by
7 agreement between the Chairperson and Vice
8 Chairperson of the Commission, or by the vote
9 of a majority of the members of the Commis-
10 sion. The attendance of witnesses and the pro-
11 duction of evidence may be required from any
12 place within the United States at any des-
13 ignated place of hearing within the United
14 States.

15 (B) FAILURE TO OBEY A SUBPOENA.—If a
16 person does not obey a subpoena issued under
17 subparagraph (A), the Commission is author-
18 ized to apply to a United States district court
19 for an order requiring that person to appear be-
20 fore the Commission to give testimony, produce
21 evidence, or both, relating to the matter under
22 investigation. The application may be made
23 within the judicial district where the hearing is
24 conducted or where that person is found, re-
25 sides, or transacts business. Any failure to obey

1 the order of the court may be punished by the
2 court as a civil contempt.

3 (C) SUBJECT MATTER JURISDICTION.—

4 The United States district court in which an ac-
5 tion is brought under subparagraph (B) shall
6 have original jurisdiction over any civil action
7 brought by the Commission to enforce, secure a
8 declaratory judgment concerning the validity of,
9 or prevent a threatened refusal or failure to
10 comply with, any subpoena issued by the Com-
11 mission.

12 (D) SERVICE OF SUBPOENAS.—The sub-
13 poenas of the Commission shall be served in the
14 manner provided for subpoenas issued by a
15 United States district court under the Federal
16 Rules of Civil Procedure for the United States
17 district courts.

18 (E) SERVICE OF PROCESS.—All process of
19 any court to which application is made under
20 subparagraph (A) may be served in the judicial
21 district in which the person required to be
22 served resides or may be found.

23 (b) CONTRACTING.—The Commission may, to such
24 extent and in such amounts as are provided in appropria-

1 tion Acts, enter into contracts to enable the Commission
2 to discharge its duties under this Act.

3 (c) OBTAINING OFFICIAL DATA.—

4 (1) IN GENERAL.—The Commission may secure
5 directly from any Federal department or agency in-
6 formation, including any underlying information that
7 may be in the possession of the intelligence commu-
8 nity, that is necessary to enable it to carry out its
9 purposes and functions under this Act. Upon request
10 of the Chairperson, the chairperson of any sub-
11 committee created by a majority of the Commission,
12 or any member designated by a majority of the
13 Commission, the head of such department or agency
14 shall furnish such information to the Commission.

15 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
16 SEMINATION.—Information shall only be received,
17 handled, stored, and disseminated by members of
18 the Commission and its staff consistent with all ap-
19 plicable statutes, regulations, and Executive orders.

20 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

21 (1) GENERAL SERVICES ADMINISTRATION.—
22 Upon the request of the Commission, the Adminis-
23 trator of General Services shall provide to the Com-
24 mission, on a reimbursable basis, the administrative
25 support services and office space necessary for the

1 Commission to carry out its purposes and functions
2 under this Act.

3 (2) OTHER FEDERAL DEPARTMENTS AND
4 AGENCIES.—In addition to the assistance prescribed
5 in paragraph (1), Federal departments and agencies
6 may provide to the Commission such services, funds,
7 facilities, staff, and other support services as deter-
8 mined advisable and authorized by law.

9 (e) CONVEYANCES AND OTHER DEVICES.—The Com-
10 mission may accept, use, and dispose of devises of services
11 or property, both real and personal, for the purpose of
12 aiding or facilitating the work of the Commission.

13 (f) POSTAL SERVICES.—The Commission may use
14 the United States mail in the same manner and under the
15 same conditions as Federal departments and agencies.

16 **SEC. 7. STAFF OF COMMISSION.**

17 (a) APPOINTMENT.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the Chairperson, in consultation with the
20 Vice-Chairperson, in accordance with rules agreed
21 upon by the Commission, may appoint and fix the
22 compensation of a Staff Director and such other
23 personnel as may be necessary to enable the Com-
24 mission to carry out its purposes and functions,
25 without regard to the provisions of title 5, United

1 States Code, governing appointments in the competi-
2 tive service, and without regard to the provisions of
3 chapter 51 and subchapter III of chapter 53 of such
4 title relating to classification and General Schedule
5 pay rates, except that no rate of pay fixed under this
6 subsection may exceed the equivalent of that payable
7 for a position at level IV of the Executive Schedule
8 under section 5315 of title 5, United States Code.

9 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

10 (A) IN GENERAL.—For purposes of the
11 Congressional Accountability Act of 1995 (18
12 U.S.C. 1301 et seq.)—

13 (i) the Commission shall be considered
14 an employing office; and

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

17 (B) MEMBERS OF COMMISSION.—Subpara-
18 graph (A) shall not apply to apply to members
19 of the Commission.

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

1 IV of the Executive Schedule under section 5315 of title
2 5, United States Code.

3 (c) DETAILEES.—The head of any Federal depart-
4 ment or agency may detail, on a non-reimbursable basis,
5 any of the personnel of that department or agency to the
6 Commission to assist the Commission in carrying out its
7 purposes and functions.

8 **SEC. 8. SECURITY CLEARANCES FOR MEMBERS AND STAFF.**

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

16 **SEC. 9. NONAPPLICABILITY OF FEDERAL ADVISORY COM-
17 MITTEE ACT.**

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

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

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

24 (2) release public versions of the reports sub-
25 mitted pursuant to section 10.

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

6 **SEC. 10. REPORTS; TERMINATION.**

7 (a) INTERIM REPORTS.—The Commission may sub-
8 mit to the President and Congress interim reports con-
9 taining such findings, conclusions, and recommendations
10 for corrective measures as have been agreed to by a major-
11 ity of Commission members.

12 (b) FINAL REPORT.—Not later than December 31,
13 2021, the Commission shall submit to the President and
14 Congress a final report containing such findings, conclu-
15 sions, and recommendations for corrective measures as
16 have been agreed to by a majority of Commission mem-
17 bers.

18 (c) TERMINATION.—

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

24 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
25 MINATION.—The Commission may use the 60-day

1 period referred to in paragraph (1) for the purpose
2 of concluding its activities, including providing testi-
3 mony to committees of Congress concerning its re-
4 ports and disseminating the final report.

5 **SEC. 11. ARCHIVING.**

6 The records of the Commission shall be transferred
7 to the Center for Legislative Archives at the National Ar-
8 chives and Records Administration upon termination of
9 the Commission pursuant to paragraph (1) of section
10 10(c).

11 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

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

18 **SEC. 13. DEFINITIONS.**

19 In this Act:

20 (1) DOMESTIC TERRORISM.—The term “domes-
21 tic terrorism” has the meaning given such term in
22 section 2331 of title 18, United States Code.

23 (2) INSTRUMENTALITY OF GOVERNMENT.—The
24 term “instrumentality of government” means Fed-
25 eral, State, local, Tribal, and territorial agencies.

1 (3) INTELLIGENCE COMMUNITY.—The term
2 “intelligence community” has the meaning given
3 such term in section 3(4) of the National Security
4 Act of 1947 (50 U.S.C. 3003(4)).

5 (4) MALIGN FOREIGN INFLUENCE OPERATIONS
6 AND CAMPAIGNS.—The term “malign foreign influ-
7 ence operations and campaigns” has the meaning
8 given such term in section 101(h) of the National
9 Security Act of 1947 (50 U.S.C. 3021(h)).

10 (5) TARGETED VIOLENCE.—The term “targeted
11 violence” means an incident of violence in which an
12 attacker selected a particular target in order to in-
13 flict mass injury or death with no discernable polit-
14 ical or ideological motivation beyond mass injury or
15 death.

Passed the House of Representatives May 19, 2021.

Attest:

Clerk.

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