

117TH CONGRESS
1ST SESSION

H. R. 410

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2021

Ms. NORTON (for herself, Mr. LYNCH, and Mrs. CAROLYN B. MALONEY of
New York) introduced the following bill; which was referred to the Com-
mittee on Homeland Security

A BILL

To establish the National Commission on the Insurrectionist
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 Insurrectionist Attack Upon the
6 United States Capitol (hereafter referred to as the “Com-
7 mission”).

8 **SEC. 2. PURPOSES.**

9 The purposes of the Commission are to—

1 (1) make a full and complete accounting of the
2 circumstances surrounding the insurrectionist attack
3 of January 6, 2021, occurring at the United States
4 Capitol, and the extent of the United States pre-
5 paredness for, and immediate response to, the at-
6 tack; and

7 (2) report to the President and Congress on its
8 findings, conclusions, and recommendations for cor-
9 rective measures that can be taken to prevent acts
10 of insurrection and domestic terrorism.

11 **SEC. 3. COMPOSITION OF COMMISSION.**

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

14 (1) 1 member shall be appointed by the Presi-
15 dent, who shall serve as Chair of the Commission;

16 (2) 1 member shall be appointed by the leader
17 of the Senate (majority or minority leader, as the
18 case may be) of the Republican Party, in consulta-
19 tion with the leader of the House of Representatives
20 (majority or minority leader, as the case may be) of
21 the Republican Party, who shall serve as Vice Chair
22 of the Commission;

23 (3) 2 members shall be appointed by the senior
24 member of the Senate leadership of the Democratic
25 Party;

1 (4) 2 members shall be appointed by the senior
2 member of the leadership of the House of Represent-
3 atives of the Republican Party;

4 (5) 2 members shall be appointed by the senior
5 member of the Senate leadership of the Republican
6 Party; and

7 (6) 2 members shall be appointed by the senior
8 member of the leadership of the House of Represent-
9 atives of the Democratic Party.

10 (b) QUALIFICATIONS; INITIAL MEETING.—

11 (1) POLITICAL PARTY AFFILIATION.—Not more
12 than 5 members of the Commission shall be from
13 the same political party.

14 (2) NONGOVERNMENTAL APPOINTEES.—An in-
15 dividual appointed to the Commission may not be an
16 officer or employee of the Federal Government or
17 any State or local government.

18 (3) OTHER QUALIFICATIONS.—It is the sense of
19 Congress that individuals appointed to the Commis-
20 sion should be prominent United States citizens,
21 with national recognition and significant depth of ex-
22 perience in such professions as governmental service,
23 law enforcement, the armed services, law, public ad-
24 ministration, intelligence gathering, and racial jus-
25 tice.

1 (4) DEADLINE FOR APPOINTMENT.—All mem-
2 bers of the Commission shall be appointed not later
3 than one month after the date of the enactment of
4 this Act.

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

8 (c) QUORUM; VACANCIES.—After its initial meeting,
9 the Commission shall meet upon the call of the Chair or
10 a majority of its members. Six members of the Commis-
11 sion shall constitute a quorum. Any vacancy in the Com-
12 mission shall not affect its powers, but shall be filled in
13 the same manner in which the original appointment was
14 made.

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

22 (e) TRAVEL EXPENSES.—Each member of the Com-
23 mission shall receive travel expenses, including per diem
24 in lieu of subsistence, in accordance with applicable provi-

1 sions under subchapter I of chapter 57 of title 5, United
2 States Code.

3 **SEC. 4. FUNCTIONS OF COMMISSION.**

4 The functions of the Commission are to—

5 (1) conduct an investigation that—

6 (A) investigates relevant facts and cir-
7 cumstances relating to the insurrectionist at-
8 tack of January 6, 2021, including any relevant
9 legislation, Executive order, regulation, plan,
10 policy, practice, or procedure;

11 (B) ascertains, evaluates, and reports on
12 the evidence developed by all relevant govern-
13 mental agencies and nongovernmental sources
14 regarding the facts and circumstances sur-
15 rounding the attack;

16 (C) builds upon the investigations of other
17 entities, and avoids unnecessary duplication, by
18 reviewing the findings, conclusions, and rec-
19 ommendations of prior executive branch, con-
20 gressional, or independent commission inves-
21 tigations into the insurrectionist attack of Jan-
22 uary 6, 2021, other insurrectionist and domes-
23 tic terrorist attacks, and domestic terrorism
24 generally; and

1 (D) may include relevant facts and cir-
2 cumstances relating to—

3 (i) intelligence agencies;

4 (ii) law enforcement agencies, includ-
5 ing the impact, if any, of the race of the
6 attackers on the response of law enforce-
7 ment;

8 (iii) the flow of assets to insurrec-
9 tionist and domestic terrorist organiza-
10 tions;

11 (iv) the role of congressional oversight
12 and resource allocation; and

13 (v) other areas of the public and pri-
14 vate sectors determined relevant by the
15 Commission for its inquiry;

16 (2) identify, review, and evaluate the lessons
17 learned from the insurrectionist attack of January 6,
18 2021, regarding the structure, coordination, man-
19 agement policies, and procedures of the Federal
20 Government, and, if appropriate, State and local
21 governments and nongovernmental entities, relative
22 to detecting, preventing, and responding to such in-
23 surrectionist attacks; and

24 (3) submit to the President and Congress such
25 reports as are required by this Act containing such

1 findings, conclusions, and recommendations as the
2 Commission shall determine, including proposing or-
3 ganization, coordination, planning, management ar-
4 rangements, procedures, rules, and regulations.

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

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

5 (1) the Commission shall be considered an em-
6 ploying office; and

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

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

16 (d) STAFF OF FEDERAL AGENCIES.—The head of
17 any Federal department or agency may detail, on a non-
18 reimbursable basis, any of the personnel of that depart-
19 ment or agency to the Commission to assist it in carrying
20 out its duties under this Act.

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

22 The appropriate Federal agencies or departments
23 shall cooperate with the Commission in expeditiously pro-
24 viding to the Commission members and staff appropriate
25 security clearances to the extent possible pursuant to ex-

1 isting procedures and requirements, except that no person
2 shall be provided with access to classified information
3 under this Act without the appropriate security clearances.

4 **SEC. 8. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
5 **MITTEE ACT.**

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

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

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

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

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

19 **SEC. 9. REPORTS; TERMINATION.**

20 (a) INTERIM REPORTS.—The Commission may sub-
21 mit to the President and Congress interim reports con-
22 taining such findings, conclusions, and recommendations
23 for corrective measures as have been agreed to by a major-
24 ity of Commission members.

1 (b) FINAL REPORT.—Not later than 18 months after
2 the date of the enactment of this Act, the Commission
3 shall submit to the President and Congress a final report
4 containing such findings, conclusions, and recommenda-
5 tions for corrective measures as have been agreed to by
6 a majority of Commission members.

7 (c) TERMINATION.—

8 (1) IN GENERAL.—The Commission, and all the
9 authorities of this Act, shall terminate upon the ex-
10 piration of the 60-day period which begins on the
11 date on which the Commission submits the final re-
12 port under subsection (b).

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

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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