

H.R. 3233, the “National Commission to Investigate the January 6 Attack on the United States Capitol Complex Act

Section by Section

Sec. 1. Short title.

Sec. 2. Establishment of Commission.

Authorizes the establishment of the National Commission to Investigate the January 6 Attack on the United States Capitol Complex.

Sec. 3. Purposes.

Sets forth the Commission’s four purposes:

- (1) Investigate and report upon the facts and causes relating to the January 6 attack and relating to the interference with the peaceful transfer of power, including facts and causes relating to the preparedness and response of the United States Capitol Police and other Federal, State, and local law enforcement in the National Capitol Region and other instrumentality of government, as well as the influencing factors that fomented such attack on American representative democracy while engaged in a constitutional process.
- (2) Examine and evaluate evidence developed by relevant Federal, State, and local governmental agencies, in a manner that is respectful of ongoing law enforcement activities and investigations regarding the domestic terrorist attack upon the Capitol, regarding the facts and circumstances surrounding such terrorist attack and targeted violence and domestic terrorism relevant to such terrorist attack.
- (3) Build upon the investigations of other entities and avoid unnecessary duplication by reviewing the findings, conclusions, and recommendations of other investigations into the attack and targeted violence and domestic terrorism relevant to such terrorist attack.
- (4) Report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that may include changes in law, policy, procedures, rules, or regulations that could be taken to prevent future acts of targeted violence and domestic terrorism, including against American democratic institutions, improve the security posture of the United States Capitol Complex while preserving accessibility of the Capitol Complex for all Americans, and strengthen the security and resilience of nation and American democratic institutions against domestic terrorism.

Sec. 4. Functions of the Commission.

Establishes the Commission’s functions include:

- (1) carrying out an investigation into the relevant facts and circumstances of the attack including (a) the activities of intelligence, law enforcement, and the Armed Forces; (b) influencing factors that contributed to the attack; (c) how technology, including online platforms, financing, and malign foreign influence operations and campaigns may have factored into the attack;

(2) identifying, reviewing, and evaluating the causes of and the lessons learned from the attack particularly as relates to (a) the command, control, and communications of the United States Capitol Police, the National Guard, the Metropolitan Police Department of the District of Columbia and other Federal, State, and local law enforcement in the National Capitol Region on or before January 6, 2021; (b) the structure, coordination, operational plans, policies, and procedures of the Federal Government, including as such relate to State and local governments and nongovernmental entities, and particularly with respect to detecting, preventing, preparing for, and responding to targeted violence and domestic terrorism; (c) the structure, authorities, training, manpower utilization, operational planning, and use of force policies of the United States Capitol Police; (d) the policies, protocols, processes, procedures, and systems for sharing of intelligence and other information by Federal, State, and local agencies with the United States Capitol Police, the Sergeants at Arms of the House and the Senate, D.C. government and other appropriate partners on or before Jan 6; and (e) systems for interoperability between the United States Capitol Police and the National Guard, D.C. Metropolitan Police, and other appropriate partners on or before January 6; and

(3) submitting to the President and Congress reports that includes any findings, conclusions, and recommendations, which may include changes in law, policy, procedures, rules, or regulations, to improve the detection, prevention, preparedness for, and response to targeted violence and domestic terrorism and improve the security posture of the United States Capitol Complex and ensure the security of Members of Congress and staff.

Sec. 5. Composition of Commission.

Establishes that the Commission is to be comprised of ten members with five commissioners, including the Chair, appointed by the Speaker of the House and the Majority Leader of the Senate and five commissioners, including the Vice Chair, appointed by the Minority Leaders of the House and Senate. Appointments must be made within 10 days of enactment of this Act. Current government employees or officials may not be appointed but appointments are encouraged of individuals with experience in at least two of the following areas: governmental service; law enforcement; civil rights, civil liberties, and privacy; the Armed Forces; intelligence; counterterrorism; cybersecurity; technology; and law. Commissioners may be paid at a rate for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day during which that member carries out the business of the Commission and receive payment for associated travel expenses.

Requires any vacancy is to be filled in the same manner as the original appointment.

Requires the Commission's initial meeting to occur as soon as practicable but not sooner than 15 days after enactment of this Act and majority of commissioners shall constitute a quorum.

Sec. 6. Powers of Commission.

Authorizes the Commission to hold hearings, receive evidence, and issue subpoenas to secure testimony or the production of documents. Authorizes the Commission to secure relevant information directly from any Federal agency and receive space and other support services from Federal agencies.

Subpoenas can be issued by agreement between the Chair and Vice Chair or by a vote of a majority of commissioners. Authorizes the Commission to enforce subpoenas in Federal court with any failure to obey an order of the court potentially punishable as a civil contempt.

Authorizes the Commission to enter into contracts; accept, use, and dispose of devises of services or property; and use the mail in the same manner as Federal departments and agencies to facilitate the work of the Commission.

Sec. 7. Staff of Commission.

Authorizes the Chair, in consultation with the Vice Chair, to appoint a staff director for the Commission. Authorizes staff of the Commission to be considered Federal covered employees. Authorizes the procurement of temporary experts and consultants and detailees from Federal agencies.

Sec. 8. Security Clearances for Members and Staff.

Directs the appropriate Federal agencies to cooperate with the Commission to expeditiously provide appropriate clearances to the extent possible pursuant to exiting procedures and requirements.

Sec. 9. Nonapplicability of Federal Advisory Committee Act.

Exempts the Commission from the Federal Advisory Committee Act but requires the Commission to hold public meetings to the extent appropriate and release public versions of any reports issued by the Commission.

Sec. 10. Reports; Termination.

Requires the submission of the Commission's final report to the President and Congress not later than December 31, 2021 and authorizes the submission of interim reports. Terminates the Commission not later than 60 days after submitting the final report and encourages the Commission to provide testimony to Congress on the report.

Sec. 11. Archiving.

Directs the transfer of Commission records to the National Archives and Records Administration.

Sec. 12. Authorization of Appropriations.

Authorizes such sums as may be necessary to carry out the functions of the Commission and authorizes amounts appropriated to remain available until expended.

Sec. 13. Definitions.

Defines "domestic terrorism," "instrumentality of government," "intelligence community," "malign foreign influence operations and campaigns," and "targeted violence."