

117TH CONGRESS
1ST SESSION

H. R. 1178

To establish the National Commission on Domestic Terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Ms. SPEIER (for herself, Mr. REED, Ms. SHERRILL, and Mr. GARBARINO) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To establish the National Commission on Domestic Terrorism, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on Domes-
5 tic Terrorism Act of 2021”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 There is established in the legislative branch the Na-
8 tional Commission on Domestic Terrorism (in this Act re-
9 ferred to as the “Commission”).

1 **SEC. 3. PURPOSES.**

2 Consistent with the functions described in section 5,
3 the purposes of the Commission are to—

4 (1) examine and report upon the Federal Gov-
5 ernment's failure to respond to and prevent domestic
6 terrorist attacks in the United States in the past 20
7 years;

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 domestic terrorist attacks in the United
12 States in the past 20 years;

13 (3) make a full and complete accounting of the
14 circumstances surrounding domestic terrorist attacks
15 that occurred in the past 20 years, and the extent
16 of the United States preparedness for, and response
17 to, the attacks; and

18 (4) investigate and report to the President,
19 Congress, and the public on its findings, conclusions,
20 and recommendations for corrective measures that
21 can be taken to prevent acts of domestic terrorism.

22 **SEC. 4. COMPOSITION OF COMMISSION.**

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

25 (1) 1 member shall be appointed by the Presi-
26 dent, who shall serve as Chair of the Commission;

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

8 (3) 2 members shall be appointed by the senior
9 member of the Senate leadership of the Democratic
10 Party;

11 (4) 2 members shall be appointed by the senior
12 member of the leadership of the House of Represent-
13 atives of the Republican Party;

14 (5) 2 members shall be appointed by the senior
15 member of the Senate leadership of the Republican
16 Party; and

17 (6) 2 members shall be appointed by the senior
18 member of the leadership of the House of Represent-
19 atives of the Democratic Party.

20 (b) TIMING FOR APPOINTMENT.—All members of the
21 Commission shall be appointed not later than 30 days
22 after the date of enactment of this Act.

23 (c) QUALIFICATIONS; INITIAL MEETING.—

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

4 (2) NONGOVERNMENTAL APPOINTEES.—An in-
5 dividual appointed to the Commission may not be an
6 officer or employee of the Federal Government or
7 any State or local government.

8 (3) OTHER QUALIFICATIONS.—It is the sense of
9 Congress that individuals appointed to the Commis-
10 sion should be prominent United States citizens,
11 with national recognition and significant depth of ex-
12 perience in such professions as governmental service,
13 law enforcement, the armed services, legal practice,
14 including experts in national security law, criminal
15 law, and civil rights law, public administration, intel-
16 ligence gathering, online disinformation and misin-
17 formation, online radicalization, technology, and so-
18 cial sciences.

19 (4) INITIAL MEETING.—The Commission shall
20 meet and begin the initial operation of the Commis-
21 sion as soon as practicable.

22 (d) QUORUM; VACANCIES.—After its initial meeting,
23 the Commission shall meet upon the call of the Chair or
24 a majority of its members. Eight members of the Commis-
25 sion shall constitute a quorum. Any vacancy in the Com-

1 mission shall not affect its powers, but shall be filled in
2 the same manner in which the original appointment was
3 made.

4 **SEC. 5. FUNCTIONS OF COMMISSION.**

5 The functions of the Commission are to—

6 (1) conduct an investigation that—

7 (A) investigates relevant facts and cir-
8 cumstances relating to the Federal Govern-
9 ment's failure to respond to and prevent acts of
10 domestic terrorism in the past 20 years, includ-
11 ing, but not limited to, relevant facts and cir-
12 cumstances relating to the domestic terrorist
13 attack on the United States Capitol on January
14 6, 2021, including any relevant legislation, plan,
15 policy, practice, or procedure; and

16 (B) may include relevant facts and cir-
17 cumstances relating to—

- 18 (i) intelligence agencies;
19 (ii) law enforcement agencies;
20 (iii) homeland security agencies;
21 (iv) the Armed Forces;
22 (v) communications platforms;
23 (vi) financial services platforms;
24 (vii) the role of congressional over-
25 sight and resource allocations; and

1 (viii) other areas of the public and
2 private sectors determined relevant by the
3 Commission for its inquiry;

4 (2) identify, review, and evaluate the lessons
5 learned from acts of domestic terrorism in the past
6 20 years, including, but not limited to, the domestic
7 terrorist attack on the United States Capitol on
8 January 6, 2021, regarding the structure, coordina-
9 tion, and management arrangements of the Federal
10 Government, and, if appropriate, State and local
11 governments and nongovernmental entities, relative
12 to detecting, preventing, and responding to such do-
13 mestic terrorist attacks; and

14 (3) submit to the President and Congress such
15 reports as are required by this Act containing such
16 findings, conclusions, and recommendations as the
17 Commission shall determine, including proposing or-
18 ganization, coordination, planning, management ar-
19 rangements, procedures, rules, and regulations.

20 **SEC. 6. POWERS OF COMMISSION.**

21 (a) IN GENERAL.—

22 (1) HEARINGS AND EVIDENCE.—The Commis-
23 sion or, on the authority of the Commission, any
24 subcommittee or member thereof, may, for the pur-
25 pose of carrying out this Act—

1 (A) hold such hearings and sit and act at
2 such times and places, take such testimony, re-
3 ceive such evidence, administer such oaths; and

4 (B) subject to paragraph (2)(A), require,
5 by subpoena or otherwise, the attendance and
6 testimony of such witnesses and the production
7 of such books, records, correspondence, memo-
8 randa, papers, and documents, as the Commis-
9 sion or such designated subcommittee or des-
10 ignated member may determine advisable.

11 (2) SUBPOENAS.—

12 (A) ISSUANCE.—

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

15 (I) by the agreement of the Chair
16 and the Vice-Chair; or

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

19 (ii) SIGNATURE.—Subject to clause
20 (i), subpoenas issued under this subsection
21 may be issued under the signature of the
22 Chair or any member designated by a ma-
23 jority of the Commission, and may be
24 served by any person designated by the

1 Chair or by a member designated by a ma-
2 jority of the Commission.

3 (B) ENFORCEMENT.—

4 (i) IN GENERAL.—In the case of con-
5 tumacy or failure to obey a subpoena
6 issued under paragraph (1), the United
7 States district court for the judicial district
8 in which the subpoenaed person resides, is
9 served, or may be found, or where the sub-
10 poena is returnable, may issue an order re-
11 quiring such person to appear at any des-
12 ignated place to testify or to produce docu-
13 mentary or other evidence. Any failure to
14 obey the order of the court may be pun-
15 ished by the court as a contempt of that
16 court.

17 (ii) ADDITIONAL ENFORCEMENT.—In
18 the case of any failure of any witness to
19 comply with any subpoena or to testify
20 when summoned under authority of this
21 section, the Commission may, by majority
22 vote, certify a statement of fact consti-
23 tuting such failure to the appropriate
24 United States attorney, who may bring the
25 matter before the grand jury for its action,

1 under the same statutory authority and
2 procedures as if the United States attorney
3 had received a certification under sections
4 102 through 104 of the Revised Statutes
5 of the United States (2 U.S.C. 192
6 through 194).

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

11 (c) INFORMATION FROM FEDERAL AGENCIES.—

12 (1) IN GENERAL.—The Commission is author-
13 ized to secure directly from any executive depart-
14 ment, bureau, agency, board, commission, office,
15 independent establishment, or instrumentality of the
16 Government, information, suggestions, estimates,
17 and statistics for the purposes of this title. Each de-
18 partment, bureau, agency, board, commission, office,
19 independent establishment, or instrumentality shall,
20 to the extent authorized by law, furnish such infor-
21 mation, suggestions, estimates, and statistics di-
22 rectly to the Commission, upon request made by the
23 Chair, the chair of any subcommittee created by a
24 majority of the Commission, or any member des-
25 ignated by a majority of the Commission.

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

6 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

7 (1) GENERAL SERVICES ADMINISTRATION.—
8 The Administrator of General Services shall provide
9 to the Commission on a reimbursable basis adminis-
10 trative support and other services for the perform-
11 ance of the Commission's functions.

12 (2) OTHER DEPARTMENTS AND AGENCIES.—In
13 addition to the assistance prescribed in paragraph
14 (1), departments and agencies of the United States
15 are authorized to provide to the Commission such
16 services, funds, facilities, staff, and other support
17 services as they may determine advisable and as may
18 be authorized by law.

19 (e) GIFTS.—The Commission may accept, use, and
20 dispose of in-kind gifts or devises of services or property,
21 both real and personal, for the purpose of aiding or facili-
22 tating the work of the Commission.

23 (f) POSTAL SERVICES.—The Commission may use
24 the United States mails in the same manner and under

1 the same conditions as departments and agencies of the
2 United States.

3 **SEC. 7. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
4 **MITTEE ACT.**

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

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

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

11 (2) release public versions of the reports re-
12 quired under section 11.

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

18 **SEC. 8. STAFF OF COMMISSION.**

19 (a) IN GENERAL.—

20 (1) APPOINTMENT AND COMPENSATION.—The
21 Chair, in accordance with rules agreed upon by the
22 Commission, may appoint and fix the compensation
23 of a Staff Director and such other personnel as may
24 be necessary to enable the Commission to carry out
25 its functions, except that no rate of pay fixed under

1 this subsection may exceed the equivalent of that
2 payable for a position at level V of the Executive
3 Schedule under section 5316 of title 5, United
4 States Code.

5 (2) MEMBERS OF THE COMMISSION.—Any
6 member of the Commission shall not be considered
7 a Federal employee except for purposes of chapter
8 81 of title 5 (relating to compensation for injury),
9 and sections 2671 through 2680 of title 28 (relating
10 to tort claims).

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

15 (1) the Commission shall be considered an em-
16 ploying office; and

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

19 (c) DETAILEES.—Any Federal Government employee
20 may be detailed to the Commission without reimbursement
21 from the Commission, and such detailee shall retain the
22 rights, status, and privileges of their regular employment
23 without interruption.

24 (d) CONSULTANT SERVICES.—The Commission is au-
25 thorized to procure the services of experts and consultants

1 in accordance with section 3109 of title 5, United States
2 Code, but at rates not to exceed the daily rate paid a per-
3 son occupying a position at level IV of the Executive
4 Schedule under section 5315 of title 5, United States
5 Code.

6 **SEC. 9. COMPENSATION AND TRAVEL EXPENSES.**

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

14 (b) TRAVEL EXPENSES.—While away from their
15 homes or regular places of business in the performance
16 of services for the Commission, members of the Commis-
17 sion shall be allowed travel expenses, including per diem
18 in lieu of subsistence, in the same manner as persons em-
19 ployed intermittently in the Government service are al-
20 lowed expenses under section 5703(b) of title 5, United
21 States Code.

22 **SEC. 10. SECURITY CLEARANCES FOR COMMISSION MEM-**
23 **BERS AND STAFF.**

24 The appropriate Federal agencies or departments
25 shall cooperate with the Commission in expeditiously pro-

1 viding to the Commission members and staff appropriate
2 security clearances to the extent possible pursuant to ex-
3 isting procedures and requirements, except that no person
4 shall be provided with access to classified information
5 under this Act without the appropriate security clearances.

6 **SEC. 11. REPORTS; TERMINATION.**

7 (a) INITIAL REPORT.—Not later than 6 months after
8 the date of the first meeting of the Commission, the Com-
9 mission shall submit to the President and Congress an ini-
10 tial report 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 submission of the initial report of the Commission, the
15 Commission shall submit to the President and Congress
16 a final report containing such findings, conclusions, and
17 recommendations for corrective measures as have been
18 agreed to by a majority of Commission members.

19 (c) TERMINATION.—

20 (1) IN GENERAL.—The Commission, and all the
21 authorities of this Act, shall terminate 60 days after
22 the date on which the final report is submitted
23 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. 12. DOMESTIC TERRORISM DEFINED.**

6 In this Act, the term “domestic terrorism” has the
7 meaning given such term in section 2331 of title 18,
8 United States Code.

9 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such sums
11 as may be necessary to carry out this Act, to remain avail-
12 able until expended.

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