

117TH CONGRESS
1ST SESSION

H. R. 276

To establish a national commission to investigate the seditious attack on the United States Capitol and Congress on January 6, 2021, address the systemic failures in the United States Capitol security and intelligence apparatus to accurately assess outside threats, and study and propose recommendations to realign the mission of the United States Capitol Police, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2021

Mr. BOWMAN (for himself, Mrs. BEATTY, Mr. BLUMENAUER, Ms. BUSH, Ms. CLARKE of New York, Mr. COOPER, Mr. DANNY K. DAVIS of Illinois, Mr. ESPAILLAT, Mr. GARCÍA of Illinois, Mr. HORSFORD, Ms. JACOBS of California, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KAHELE, Ms. LEE of California, Ms. MENG, Ms. NEWMAN, Ms. OCASIO-CORTEZ, Ms. OMAR, Ms. PRESSLEY, Mr. RUSH, Mr. TORRES of New York, Ms. VELÁZQUEZ, Ms. WILLIAMS of Georgia, Ms. SCHAKOWSKY, Mr. GREEN of Texas, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a national commission to investigate the seditious attack on the United States Capitol and Congress on January 6, 2021, address the systemic failures in the United States Capitol security and intelligence apparatus to accurately assess outside threats, and study and propose recommendations to realign the mission of the United States Capitol Police, 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 “Congressional Over-
5 sight of Unjust Policing Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) On January 6, 2021, organized individuals
9 violently attacked the United States Capitol while
10 both chambers of Congress were in session, putting
11 the lives of Members, Congressional staff, and sup-
12 port staff at risk.

13 (2) Various media reports suggest that certain
14 members of rank and file law enforcement officers
15 aided and abetted individuals who breached security
16 at the Capitol on January 6.

17 (3) Various media reports indicate that neither
18 the Federal Bureau of Investigation (FBI) nor the
19 Department of Homeland Security (DHS) conducted
20 a risk assessment of demonstration activities, nor
21 issued a joint department bulletin as is customary
22 for large and notable public events.

23 (4) Officers Brian Sicknick and Howard
24 Liebengood died after defending the Capitol Com-

1 plex and protecting those serving and working there
2 on January 6, 2021.

3 (5) The United States Capitol Police provides
4 limited information to the public about employee
5 misconduct, and the Office of the Inspector General
6 of the United States Capitol Police does not publicly
7 disclose its reports, unlike the vast majority of other
8 Inspectors General.

9 (6) In recent decades, community organizers
10 have formed social justice and criminal reform move-
11 ments to call for substantive changes in response to
12 various incidents across the country in which law en-
13 forcement has used excessive force against civilians,
14 often resulting in the death of those who present or
15 identify as Black or Brown.

16 (7) In the Nation’s Capital, and on the United
17 States Capitol grounds, the disparate treatment of
18 individuals is ever-present, as various Members of
19 Congress and Congressional staff who come from
20 communities of color have documented instances of
21 refusal of entry and mistreatment by United States
22 Capitol Police (USCP) officers.

23 (8) Further, in 2013, agents from the United
24 States Secret Service and United States Capitol Po-
25 lice shot Miriam Carey, an unarmed individual, more

1 than 20 times while she was in her car with her in-
2 fant, hitting Carey five times and killing her.

3 (9) In 2018, United States Secret Service
4 agents took Jessica Ford into custody without exces-
5 sive force, even though she intentionally rammed a
6 White House checkpoint with a gun in her hand.

7 (10) In 2017, during debates about Public Law
8 115–97, United States Capitol Police officers fore-
9 ibly dragged peaceful demonstrators from the dis-
10 ability community out of wheelchairs and other sup-
11 portive medical devices.

12 (11) In 2020, armed members of the District of
13 Columbia National Guard were dispatched to stand
14 guard on the steps of the Lincoln Memorial amidst
15 peaceful protests.

16 (12) In 2020, United States Park Police and
17 National Guard troops forced people into unmarked
18 vans and used tear gas and fired rubber bullets to
19 disperse peaceful protestors for the President’s
20 planned visit to St. John’s Episcopal Church.

21 (13) In 2017, the FBI reported that white su-
22 premacists posed a “persistent threat of lethal vio-
23 lence” that has produced more fatalities than any
24 other category of domestic terrorists since 2000.

1 (14) In 2015, the FBI’s Counterterrorism Pol-
2 icy Directive and Policy Guide warned that subjects
3 of “domestic terrorism investigations focused on mi-
4 litia extremists, white supremacist extremists, and
5 sovereign citizen extremists often have identified ac-
6 tive links to law enforcement officers”.

7 (15) A 2006 intelligence assessment, based on
8 FBI investigations and open sources warned of
9 “white supremacist infiltration of law enforcement .
10 . . by organized groups and by self-initiated infiltra-
11 tion by law enforcement personnel sympathetic to
12 white supremacist causes”.

13 (16) Since 2000, hundreds of Federal, State,
14 and local law enforcement officials have been caught
15 expressing racist, nativist, and sexist views on social
16 media.

17 **SEC. 3. ESTABLISHMENT OF U.S. COMMISSION ON UNJUST**
18 **POLICING.**

19 (a) ESTABLISHMENT.—There is established a com-
20 mission to be known as the “U.S. Commission on Unjust
21 Policing” (in this Act referred to as the “Commission”).

22 (b) MEMBERSHIP.—

23 (1) COMPOSITION.—The Commission shall be
24 composed of 19 members appointed as follows:

1 (A) 8 members shall be appointed by the
2 leadership of Congress, of whom—

3 (i) 2 shall be appointed by the major-
4 ity leader of the Senate;

5 (ii) 2 by the minority leader of the
6 Senate;

7 (iii) 2 by the Speaker of the House of
8 Representatives; and

9 (iv) 2 by the minority leader of the
10 House of Representatives.

11 (B) 8 members shall be appointed by the
12 Chairs of the following caucuses—

13 (i) 2 shall be appointed by the Con-
14 gressional Black Caucus;

15 (ii) 2 by the Congressional Hispanic
16 Caucus;

17 (iii) 2 by the Congressional Asian Pa-
18 cific American Caucus; and

19 (iv) 2 by the Congressional Progres-
20 sive Caucus.

21 (C) 3 members shall be appointed by the
22 President, each of whom shall be individuals
23 who are not officers or employees of the Fed-
24 eral Government and who are experts in at
25 least one of the following categories:

1 (i) Racial equity in law enforcement.

2 (ii) Preventing white nationalist ex-
3 tremist violence.

4 (iii) Large-scale reform of law en-
5 forcement agencies.

6 (2) QUALIFICATIONS.—

7 (A) AREAS OF EXPERTISE.—Each member
8 of the Commission shall have knowledge or ex-
9 pertise, whether by education, experience, train-
10 ing, or activism, in at least one of the following
11 areas:

12 (i) Justice and civil rights.

13 (ii) Law enforcement and intelligence
14 oversight and reform.

15 (iii) Diverse and inclusive personnel
16 management.

17 (iv) Social and emotional development.

18 (v) Effective education and training
19 methods to combat implicit and uncon-
20 scious bias.

21 (vi) Behavioral economics.

22 (vii) Combating white supremacist,
23 and other extremist groups, movements,
24 and organizing efforts.

(B) SPECIAL RULE FOR MEMBERS AP-

POINTED BY CONGRESSIONAL LEADERSHIP.—

Each of the persons appointing members of the Commission under paragraph (1) shall ensure that one of the members so appointed is an individual who is not an officer or employee of the Federal Government.

(C) CIVILIAN REPRESENTATION.—Not

fewer than 4 members of the Commission shall be individuals who are not officers of law enforcement agencies.

(D) DIVERSITY.—It is the intent of Con-

gress that persons appointed to the Commission under paragraph (1) be persons who represent diverse economic, professional, and social backgrounds.

(3) CONSULTATION AND APPOINTMENT.—

(A) IN GENERAL.—The President, Speaker

of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall consult among themselves before appointing the members of the Commission in order to achieve, to the maximum extent practicable, representation of various fields of exper-

1 tise to ensure maximum impact by the Commis-
2 sion.

3 (B) COMPLETION OF APPOINTMENTS.—

4 The President, Speaker of the House of Rep-
5 resentatives, minority leader of the House of
6 Representatives, majority leader of the Senate,
7 and minority leader of the Senate shall conduct
8 the consultation under subparagraph (A) and
9 make their respective appointments not later
10 than 60 days after the date of enactment of
11 this Act.

12 (C) VACANCIES.—A vacancy in the mem-
13 bership of the Commission shall not affect the
14 powers of the Commission and shall be filled in
15 the same manner as the original appointment
16 not later than 30 days after the vacancy occurs.

17 (4) TERMS.—Each member of the Commission
18 shall serve for a term of one year, and may be re-
19 appointed to additional terms.

20 (5) REMOVAL.—Subject to the approval of a
21 majority of the members of the Commission, a mem-
22 ber of the Commission may be removed for cause at
23 any time by the person who appointed the member
24 if the member fails to meet responsibilities of the
25 commission.

1 (c) MEETINGS.—

2 (1) INITIAL MEETING.—Not later than 30 days
3 after the date on which all members of the Commis-
4 sion have been appointed, the Commission shall hold
5 its first meeting.

6 (2) SUBSEQUENT MEETINGS.—

7 (A) IN GENERAL.—The Commission shall
8 meet at the call of the Chair.

9 (B) FREQUENCY.—The Chair shall call a
10 meeting of the members of the Commission not
11 less frequently than once every 3 months.

12 (3) QUORUM.—Ten members of the Commis-
13 sion shall constitute a quorum, but a lesser number
14 may hold hearings.

15 (4) CHAIR AND VICE CHAIR.—The Commission
16 shall select a Chair and Vice Chair from among its
17 members. The Chair and Vice Chair shall serve in
18 that position for a term of 1 year and may be re-
19 appointed for additional terms.

20 (5) TRANSPARENCY AND PUBLIC INPUT.—Each
21 meeting of the Commission for which a quorum is
22 present shall be open to the public, either in person
23 or remotely through digital technology, and the
24 Commission shall establish procedures for members
25 of the public to submit testimony at Commission

1 meetings regarding the topics presented during such
2 meetings.

3 **SEC. 4. DUTIES OF COMMISSION.**

4 (a) IN GENERAL.—The duties of the Commission are
5 as follows:

6 (1) To carry out a comprehensive investigation
7 into decisions of leadership at the United States
8 Capitol Police, the Federal Bureau of Investigation,
9 the United States Secret Service, and the Depart-
10 ment of Homeland Security, leading up to and dur-
11 ing the siege of the United States Capitol on Janu-
12 ary 6, 2021, including an assessment on whether
13 conscious and unconscious bias was a factor in the
14 gross miscalculation of the risk posed by protestors
15 to Members of Congress and staff on that date.

16 (2) To carry out a comprehensive investigation
17 in coordination with the Federal Bureau of Inves-
18 tigation and other Federal entities as appropriate
19 into whether current members of the United States
20 Capitol Police have ties to white supremacist and
21 other extremist groups, movements, and organizing
22 efforts; and whether any members of the United
23 States Capitol Police neglected their duty and
24 colluded with protestors or other law enforcement
25 entities.

1 (3) To recommend specific measures and re-
2 forms to Congress and other stakeholders on how
3 the United States Capitol Police must realign prior-
4 ities and practice to address disparate use of force
5 and surveillance targets in and around the Capitol
6 Complex, including changes to existing law, changes
7 to Federal programs, and suggestions for actions the
8 private sector can take.

9 (4) To recommend specific measures and re-
10 forms to Congress and other stakeholders to realign
11 recruitment, hiring, and retention policies and prac-
12 tices of the United States Capitol Police to address
13 both conscious and unconscious biases, including
14 changes to existing law, changes to Federal pro-
15 grams, and suggestions for actions the private sector
16 can take.

17 (b) CONSULTATION WITH OTHER DEPARTMENTS
18 AND AGENCIES.—In carrying out its duties, the Commis-
19 sion shall consult with officials of appropriate departments
20 and agencies of the Federal Government, including each
21 of the following:

- 22 (1) The Federal Bureau of Investigation.
23 (2) The United States Secret Service.
24 (3) The Department of Homeland Security.
25 (4) The Department of Justice.

1 (c) REPORTS.—

2 (1) ONGOING REPORTS.—Because it is the in-
3 tent of Congress that the Commission expeditiously
4 and carefully identify and rectify inequities in how
5 law enforcement at the Capitol Complex surveils and
6 protects members of the Congressional community,
7 not later than 9 months after the date of the enact-
8 ment of this Act, the Commission shall submit to
9 Congress and the President an initial report on the
10 issues described in subsection (a) and related issues.

11 (2) ANNUAL REPORT.—In the year following its
12 first meeting and annually thereafter, the commis-
13 sion shall provide to Congress and the public a re-
14 port on the status of its work.

15 (3) INTERNET AVAILABILITY.—All reports of
16 the Commission shall be available to the public via
17 a publicly accessible Federal website that is promi-
18 nently marketed and shared by the Commission.

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

20 (a) HEARINGS.—The Commission may hold such
21 hearings, sit and act at such times and places, take such
22 testimony, and receive such evidence as the Commission
23 considers appropriate to carry out its duties under this
24 Act.

1 (b) POWERS OF MEMBERS AND AGENTS.—If author-
2 ized by the Commission, any member or agent of the Com-
3 mission may take any action which the Commission is au-
4 thorized to take under this Act.

5 (c) INFORMATION FROM FEDERAL AGENCIES.—

6 (1) IN GENERAL.—The Commission shall secure
7 directly from any Federal department or agency
8 such information as the Commission considers nec-
9 essary to carry out the provisions of this Act. Upon
10 the request of the Chair of the Commission, the
11 head of such department or agency shall furnish
12 such information to the Commission as expeditiously
13 as practicable.

14 (2) TREATMENT OF CLASSIFIED INFORMA-
15 TION.—In the case of information sought by the
16 Commission under paragraph (1) that is classified,
17 the Federal department or agency involved shall pro-
18 vide the Commission with an unclassified summary
19 of the information, except that any Member of the
20 Commission who has received an appropriate secu-
21 rity clearance that is commensurate with the sensi-
22 tivity of the classified information involved may re-
23 ceive such classified information.

24 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
25 the request of the Commission, the Administrator of the

1 General Services Administration shall provide to the Com-
2 mission, on a reimbursable basis, administrative support
3 services necessary for the Commission to carry out its re-
4 sponsibilities under this Act.

5 (e) CONTRACT AUTHORITY.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the Commission is authorized—

8 (A) to procure supplies, services, and prop-
9 erty; and

10 (B) to make or enter into contracts, leases,
11 or other legal agreements.

12 (2) LIMITATION.—The Commission may not
13 enter into any contract, lease, or other legal agree-
14 ment that extends beyond the date of the termi-
15 nation of the Commission under section 7(a).

16 (f) POSTAL SERVICES.—The Commission may use
17 the United States mail in the same manner and under the
18 same conditions as other departments and agencies of the
19 Federal Government.

20 (g) GIFTS, BEQUESTS, AND DEVICES.—The Commis-
21 sion is authorized to solicit, accept, use, and dispose of
22 gifts, bequests, or devises of money, services, or property,
23 both real and personal, for the purpose of covering the
24 costs incurred by the Commission to carry out its duties
25 under this Act.

1 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

2 (a) COMPENSATION OF MEMBERS.—Members of the
3 Commission shall serve without compensation for their
4 service, but may receive travel expenses, including per
5 diem in lieu of subsistence, in accordance with applicable
6 provisions under subchapter I of chapter 57 of title 5,
7 United States Code.

8 (b) STAFF.—

9 (1) IN GENERAL.—The Chair of the Commis-
10 sion shall, in consultation with the members Com-
11 mission, appoint an executive director and such
12 other additional personnel as may be necessary to
13 enable the Commission to perform its duties.

14 (2) COMPENSATION.—The Chair of the Com-
15 mission may appoint the executive director and other
16 personnel without regard to the provisions of title 5,
17 United States Code, governing appointments in the
18 competitive service, and may fix their pay without
19 regard to the provisions of chapter 51 and sub-
20 chapter III of chapter 53 of that title relating to
21 classification and General Schedule pay rates, except
22 that an individual so appointed may not receive pay
23 in excess of the annual rate of pay for level IV of
24 the Executive Schedule under section 5315 of title
25 5, United States Code.

1 (3) APPLICATION OF CONGRESSIONAL AC-
2 COUNTABILITY ACT OF 1995.—For purposes of the
3 Congressional Accountability Act of 1995 (2 U.S.C.
4 1301 et seq.)—

5 (A) the Commission shall be considered an
6 employing office; and

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

9 (c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
10 request of the Commission, the head of any Federal de-
11 partment or agency may detail, on a reimbursable basis,
12 any employee of that department or agency to the Com-
13 mission to assist it in carrying out its duties under this
14 Act.

15 (d) ACCEPTANCE OF VOLUNTARY SERVICES.—Not-
16 withstanding section 1342 of title 31, United States Code,
17 the Commission may accept and use voluntary and uncom-
18 pensated services as the Commission deems necessary.

19 **SEC. 7. TERMINATION OF COMMISSION.**

20 (a) IN GENERAL.—The Commission shall terminate
21 on the earlier of—

22 (1) the date that is 2 calendar years after the
23 initial meeting of the Commission; or

24 (2) upon completion and presentation of all re-
25 ports to Congress from the Commission.

1 (b) APPLICATION OF FEDERAL ADVISORY COM-
2 MITTEE ACT.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), the provisions of the Federal Advisory
5 Committee Act (5 U.S.C. App.) shall apply to the
6 activities of the Commission under this Act.

7 (2) EXCEPTION.—Section 14(a)(2) of such Act
8 (5 U.S.C. App.) shall not apply to the Commission.

9 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There are authorized to be appro-
11 priated to carry out this Act such sums as may be nec-
12 essary for each of the first 2 fiscal years which begin after
13 the date of the enactment of this Act.

14 (b) AMOUNTS AVAILABLE.—Amounts appropriated
15 in accordance with this section for any fiscal year shall
16 remain available until the termination of the Commission.

○