

118TH CONGRESS
1ST SESSION

H. R. 649

To establish the National Commission on Domestic Terrorist Attacks on the United States by Antifa, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2023

Mr. BACON (for himself, Ms. SALAZAR, Mr. BABIN, and Ms. TENNEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish the National Commission on Domestic Terrorist Attacks on the United States by Antifa, 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. ESTABLISHMENT OF COMMISSION.**

4 There is established the National Commission on Do-
5 mestic Terrorist Attacks on the United States by Antifa
6 (in this Act referred to as the “Commission”).

7 **SEC. 2. PURPOSES.**

8 The purposes of the Commission are to—

1 (1) examine and report upon the facts and
2 causes relating to the involvement of Antifa in the
3 2020 riots, including the costly and deadly riots in—

4 (A) Minneapolis, Minnesota;

5 (B) Rochester, New York;

6 (C) Los Angeles, California;

7 (D) Washington, DC;

8 (E) Miami, Florida;

9 (F) Portland, Oregon;

10 (G) Seattle, Washington;

11 (H) Atlanta, Georgia;

12 (I) Chicago, Illinois; and

13 (J) Philadelphia, Pennsylvania;

14 (2) ascertain, evaluate, and report on the evi-
15 dence developed by all relevant governmental agen-
16 cies regarding the facts and circumstances sur-
17 rounding the involvement of Antifa in the 2020
18 riots;

19 (3) make a full and complete accounting of the
20 circumstances surrounding involvement of Antifa in
21 the 2020 riots, and the extent of the United States
22 preparedness for, and response to, such riots and
23 the Antifa organization; and

24 (4) investigate and report to the President and
25 Congress on its findings, conclusions, and rec-

1 ommendations for corrective measures that can be
2 taken to prevent further attacks and violent riots
3 perpetrated by Antifa.

4 **SEC. 3. COMPOSITION OF THE COMMISSION.**

5 (a) MEMBERS.—Subject to the requirements of sub-
6 section (b), the Commission shall be composed of 10 mem-
7 bers, of whom—

8 (1) 3 members shall be appointed by the major-
9 ity leader of the Senate;

10 (2) 2 members shall be appointed by the Speak-
11 er of the House of Representatives;

12 (3) 3 members shall be appointed by the minor-
13 ity leader of the Senate; and

14 (4) 2 members shall be appointed by the minor-
15 ity leader of the House of Representatives.

16 (b) QUALIFICATIONS.—

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

20 (2) NONGOVERNMENTAL APPOINTEES.—No
21 member of the Commission shall be an officer or em-
22 ployee of the Federal Government or any State or
23 local government, or a Member of Congress.

24 (3) OTHER QUALIFICATIONS.—It is the sense of
25 Congress that individuals appointed to the Commis-

1 sion should be prominent United States citizens,
2 with national recognition and significant depth of ex-
3 perience in such professions as governmental service,
4 law enforcement, the armed services, legal practice,
5 public administration, intelligence gathering, com-
6 merce, including domestic terrorism, and foreign af-
7 fairs.

8 (c) CHAIRPERSON; VICE CHAIRPERSON.—

9 (1) IN GENERAL.—Subject to the requirement
10 of paragraph (2), the Chairperson and Vice Chair-
11 person of the Commission shall be elected by the
12 members.

13 (2) POLITICAL PARTY AFFILIATION.—The
14 Chairperson and Vice Chairperson shall not be from
15 the same political party.

16 (d) INITIAL MEETING.—If 60 days after the date of
17 enactment of this Act, 6 or more members of the Commis-
18 sion have been appointed, those members who have been
19 appointed may meet and, if necessary, select a temporary
20 Chairperson and Vice Chairperson, who may begin the op-
21 erations of the Commission, including the hiring of staff.

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

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

4 **SEC. 4. FUNCTIONS OF THE COMMISSION.**

5 (a) IN GENERAL.—The functions of the Commission
6 are to—

7 (1) investigate the relevant facts and cir-
8 cumstances relating to the involvement of Antifa in
9 the 2020 riots, including any relevant legislation,
10 Executive order, regulation, plan, policy, practice, or
11 procedure;

12 (2) identify, review, and evaluate the lessons
13 learned from such riots, regarding the structure, co-
14 ordination, management policies, and procedures of
15 the Federal Government, and, if appropriate, State
16 and local governments and nongovernmental entities,
17 relative to detecting, preventing, and responding to
18 Antifa; and

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

1 (b) SCOPE OF INVESTIGATION.—For purposes of sub-
2 section (a)(1), the term “facts and circumstances” in-
3 cludes facts and circumstances relating to—

4 (1) intelligence agencies;

5 (2) law enforcement agencies;

6 (3) diplomacy;

7 (4) immigration, nonimmigrant visas, and bor-
8 der control;

9 (5) the flow of assets to terrorist organizations,
10 including Antifa; and

11 (6) other areas of the public and private sectors
12 determined relevant by the Commission for its in-
13 quiry.

14 **SEC. 5. POWER OF THE COMMISSION.**

15 (a) HEARINGS AND EVIDENCE.—The Commission
16 may, for purposes of carrying out this Act—

17 (1) hold hearings, sit and act at times and
18 places, take testimony, receive evidence, and admin-
19 ister oaths; and

20 (2) require, by subpoena or otherwise, the at-
21 tendance and testimony of witnesses and the produc-
22 tion of books, records, correspondence, memoranda,
23 papers, and documents.

24 (b) SUBPOENAS.—

1 (1) SERVICE.—Subpoenas issued under sub-
2 section (a)(2) may be served by any person des-
3 ignated by the Commission.

4 (2) ENFORCEMENT.—

5 (A) IN GENERAL.—In the case of contu-
6 macy or failure to obey a subpoena issued
7 under subsection (a)(2), the United States dis-
8 trict court for the judicial district in which the
9 subpoenaed person resides, is served, or may be
10 found, or where the subpoena is returnable,
11 may issue an order requiring such person to ap-
12 pear at any designated place to testify or to
13 produce documentary or other evidence. Any
14 failure to obey the order of the court may be
15 punished by the court as a contempt of that
16 court.

17 (B) ADDITIONAL ENFORCEMENT.—Sec-
18 tions 102 through 104 of the Revised Statutes
19 of the United States (2 U.S.C. 192 through
20 194) shall apply in the case of any failure of
21 any witness to comply with any subpoena or to
22 testify when summoned under authority of this
23 section.

24 (c) CLOSED MEETINGS.—Notwithstanding any other
25 provision of law which would require meetings of the Com-

1 mission to be open to the public, any portion of a meeting
2 of the Commission may be closed to the public if the Presi-
3 dent determines that such portion is likely to disclose mat-
4 ters that could endanger national security.

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

9 (e) INFORMATION FROM FEDERAL AGENCIES.—The
10 Commission may secure directly from any department,
11 agency, or instrumentality of the United States any infor-
12 mation related to any inquiry of the Commission con-
13 ducted under this Act. Each such department, agency, or
14 instrumentality shall, to the extent authorized by law, fur-
15 nish such information directly to the Commission upon re-
16 quest.

17 (f) ASSISTANCE FROM FEDERAL AGENCIES.—

18 (1) GENERAL SERVICES ADMINISTRATION.—
19 The Administrator of General Services shall provide
20 to the Commission on a reimbursable basis adminis-
21 trative support and other services for the perform-
22 ance of the Commission's functions.

23 (2) OTHER DEPARTMENTS AND AGENCIES.—In
24 addition to the assistance prescribed in paragraph
25 (1), departments and agencies of the United States

1 are authorized to provide to the Commission such
2 services, funds, facilities, staff, and other support
3 services as they may determine advisable and as may
4 be authorized by law.

5 (g) GIFTS.—The Commission may, to such extent
6 and in such amounts as are provided in appropriation
7 Acts, accept, use, and dispose of gifts or donations of serv-
8 ices or property.

9 (h) POSTAL SERVICES.—The Commission may use
10 the United States mails in the same manner and under
11 the same conditions as departments and agencies of the
12 United States.

13 (i) POWERS OF SUBCOMMITTEES, MEMBERS, AND
14 AGENTS.—Any subcommittee, member, or agent of the
15 Commission may, if authorized by the Commission, take
16 any action which the Commission is authorized to take by
17 this section.

18 **SEC. 6. STAFF OF THE COMMISSION.**

19 (a) DIRECTOR.—The Commission shall have a Direc-
20 tor who shall be appointed by the Chairperson and the
21 Vice Chairperson, acting jointly.

22 (b) STAFF.—The Chairperson, in consultation with
23 the Vice Chairperson, may appoint additional personnel as
24 may be necessary to enable the Commission to carry out
25 its functions.

1 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
2 LAWS.—The Director and staff of the Commission may
3 be appointed without regard to the provisions of title 5,
4 United States Code, governing appointments in the com-
5 petitive service, and may be paid without regard to the
6 provisions of chapter 51 and subchapter III of chapter 53
7 of such title relating to classification and General Schedule
8 pay rates, except that no rate of pay fixed under this sub-
9 section may exceed the equivalent of that payable for a
10 position at level V of the Executive Schedule under section
11 5316 of title 5, United States Code. Any individual ap-
12 pointed under subsection (a) or (b) shall be treated as an
13 employee for purposes of chapters 63, 81, 83, 84, 85, 87,
14 89, and 90 of that title.

15 (d) DETAILEES.—Any Federal Government employee
16 may be detailed to the Commission without reimbursement
17 from the Commission, and such detailee shall retain the
18 rights, status, and privileges of his or her regular employ-
19 ment without interruption.

20 (e) CONSULTANT SERVICES.—The Commission is au-
21 thorized to procure the services of experts and consultants
22 in accordance with section 3109 of title 5, United States
23 Code, but at rates not to exceed the daily rate paid a per-
24 son occupying a position at level IV of the Executive

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

3 **SEC. 7. COMPENSATION AND TRAVEL EXPENSES.**

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

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

19 **SEC. 8. SECURITY CLEARANCES FOR COMMISSION MEM-**
20 **BERS AND STAFF.**

21 The appropriate executive departments and agencies
22 shall cooperate with the Commission in expeditiously pro-
23 viding to the Commission members and staff appropriate
24 security clearances in a manner consistent with existing
25 procedures and requirements, except that no person shall

1 be provided with access to classified information under
2 this section who would not otherwise qualify for such secu-
3 rity clearance.

4 **SEC. 9. REPORTS OF THE COMMISSION; TERMINATION.**

5 (a) INITIAL REPORT.—Not later than 1 year after
6 the date of the first meeting of the Commission, the Com-
7 mission shall submit to the President and Congress an ini-
8 tial report containing such findings, conclusions, and rec-
9 ommendations for corrective measures as have been
10 agreed to by a majority of Commission members.

11 (b) FINAL REPORT.—Not later than 6 months after
12 the submission of the initial report of the Commission, the
13 Commission shall submit to the President and Congress
14 a final report containing such findings, conclusions, and
15 recommendations for corrective measures as have been
16 agreed to by a majority of Commission members.

17 (c) TERMINATION.—

18 (1) IN GENERAL.—The Commission, and all the
19 authorities of this Act, shall terminate 60 days after
20 the date on which the final report is submitted
21 under subsection (b).

22 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
23 MINATION.—The Commission may use the 60-day
24 period referred to in paragraph (1) for the purpose
25 of concluding its activities, including providing testi-

1 mony to committees of Congress concerning its re-
2 ports and disseminating the second report.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Com-
5 mission to carry out this Act \$3,000,000, to remain avail-
6 able until expended.

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