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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To establish the Commission on the COVID–19 Pandemic in the United States.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHIFF introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Commission on the COVID–19 Pandemic in the United States.

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; SENSE OF CONGRESS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Commission on the COVID–19 Pandemic in the
6 United States Act”.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

1 (1) it is crucial to understand the vulnerabilities
2 to the national security of the United States re-
3 vealed by the coronavirus disease 19 (COVID–19)
4 pandemic, especially how prepared the United States
5 would be in the future for a biological attack that
6 not only causes public health confusion and alarm
7 but also public fear similar to the level caused by a
8 terrorist attack.

9 (2) the purpose of establishing the commission
10 under section 2 is not just to look back at prior
11 practices and mistakes but to learn lessons as quick-
12 ly as possible to better protect the United States
13 going forward in the future;

14 (3) it is crucial to better understand the in-
15 creasing likelihood of pandemic threats (such as the
16 recent threats of severe acute respiratory syndrome
17 (SARS), Ebola, the 2009–H1N1 influenza, and
18 COVID–19) and health issues that the United
19 States could face during the next several decades;
20 and

21 (4) the commission established under section 2
22 should use the authority under subsection (j)(1) of
23 such section to provide the President, Congress, and
24 the public interim reports during the course of the
25 investigation.

1 **SEC. 2. COMMISSION ON THE COVID-19 PANDEMIC IN THE**
2 **UNITED STATES.**

3 (a) ESTABLISHMENT OF COMMISSION.—There is es-
4 tablished in the legislative branch the National Commis-
5 sion on the COVID-19 Pandemic in the United States (in
6 this section referred to as the “Commission”).

7 (b) PURPOSES.—The purposes of the Commission are
8 to—

9 (1) examine and report upon the facts and cir-
10 cumstances relating to, and make a full and com-
11 plete assessment and accounting of, the outbreak
12 and spread of coronavirus disease 19 (COVID-19)
13 caused by the severe acute respiratory syndrome
14 coronavirus 2 (SARS-CoV-2) in the United States
15 (in this section referred to as “COVID-19”);

16 (2) ascertain, evaluate, and report on the evi-
17 dence developed by any relevant governmental and
18 nongovernmental entities regarding the facts and
19 circumstances surrounding COVID-19;

20 (3) make a full and complete assessment and
21 accounting of the preparedness of the Federal Gov-
22 ernment, State governments, local governments, and
23 the private sector for the outbreak and spread of
24 COVID-19 in the United States;

25 (4) make a full and complete assessment and
26 accounting of the actions by the Federal Govern-

1 ment, State governments, local governments, and the
2 private sector in response to the outbreak and
3 spread of COVID–19 in the United States; and

4 (5) investigate and report to the President,
5 Congress, and the public on its findings, conclusions,
6 and recommendations to improve the ability of the
7 United States to prepare for, detect, prevent, and, if
8 necessary, respond to epidemics and pandemics such
9 as COVID–19, whether naturally occurring or
10 caused by state or non-state actors.

11 (c) COMPOSITION OF COMMISSION.—

12 (1) MEMBERS.—The Commission shall be com-
13 posed of 10 members, of whom—

14 (A) 1 member shall be appointed by the
15 President, who shall serve as chair of the Com-
16 mission;

17 (B) 1 member shall be appointed by the
18 leaders of the Senate (majority or minority
19 leader, as the case may be) of the political
20 party that is not the same political party as the
21 President, in consultation with the leader of the
22 House of Representatives (majority or minority
23 leader, as the case may be) of the same political
24 party as such Senate leaders, who shall serve as
25 vice chair of the Commission;

1 (C) 2 members shall be appointed by the
2 senior member of the Senate leadership of the
3 Democratic Party;

4 (D) 2 members shall be appointed by the
5 senior member of the leadership of the House
6 of Representatives of the Republican Party;

7 (E) 2 members shall be appointed by the
8 senior member of the Senate leadership of the
9 Republican Party; and

10 (F) 2 members shall be appointed by the
11 senior member of the leadership of the House
12 of Representatives of the Democratic Party.

13 (2) QUALIFICATIONS; INITIAL MEETING.—

14 (A) POLITICAL PARTY AFFILIATION.—Not
15 more than 5 members of the Commission shall
16 be from the same political party.

17 (B) NONGOVERNMENTAL APPOINTEES.—
18 An individual appointed to the Commission may
19 not be an officer or employee of the Federal
20 Government or any State or local government.

21 (C) QUALIFICATIONS.—It is the sense of
22 Congress that individuals appointed to the
23 Commission should be prominent United States
24 citizens, with national recognition and signifi-
25 cant depth of experience in such professions as

1 public health, medicine (including epidemi-
2 ology), governmental service, academia, home-
3 land security, the armed services, emergency
4 preparedness and management, law, public ad-
5 ministration, and intelligence.

6 (D) DEADLINE FOR APPOINTMENT.—All
7 members of the Commission shall be appointed
8 during the period beginning January 21, 2021,
9 and ending February 5, 2021.

10 (E) INITIAL MEETING.—The Commission
11 shall meet and begin the operations of the Com-
12 mission as soon as practicable, but not later
13 than March 5, 2021.

14 (3) QUORUM; VACANCIES.—After its initial
15 meeting, the Commission shall meet upon the call of
16 the chair or a majority of its members. Six members
17 of the Commission shall constitute a quorum. Any
18 vacancy in the Commission shall not affect its pow-
19 ers, but shall be filled in the same manner in which
20 the original appointment was made.

21 (4) IN-PERSON MEETINGS.—The members of
22 the Commission shall conduct its meetings in person
23 unless such in-person meetings would pose a health
24 risk or significant practical challenges.

1 (d) FUNCTIONS OF COMMISSION.—The functions of
2 the Commission are to—

3 (1) conduct an investigation that—

4 (A) addresses the matters specified in sub-
5 section (b);

6 (B) investigates relevant facts and cir-
7 cumstances relating to the outbreak and spread
8 of COVID–19 in the United States, and the re-
9 sponse to such outbreak and spread, including
10 with respect to any relevant legislation, Execu-
11 tive order, regulation, plan, policy, practice, or
12 procedure; and

13 (C) may include relevant facts and cir-
14 cumstances relating to—

15 (i) Federal, State, and local authori-
16 ties with responsibilities relevant to the
17 outbreak and spread of COVID–19 in the
18 United States, including such authorities
19 with responsibilities relating to public
20 health, emergency management, and epi-
21 demic and pandemic preparedness and re-
22 sponse;

23 (ii) private sector organizations;

24 (iii) intelligence agencies and law en-
25 forcement agencies;

1 (iv) diplomacy and international co-
2 ordination;

3 (v) immigration and border control;

4 (vi) the role of congressional oversight
5 and resource allocation; and

6 (vii) other activities of the public and
7 private sectors determined relevant by the
8 Commission for its inquiry;

9 (2) identify, review, and evaluate the lessons
10 learned from the outbreak and spread of COVID-19
11 in the United States, and the response to such out-
12 break and spread, regarding the structure, coordina-
13 tion, management, policies, procedures, and actions
14 of Federal, State, and local governments and non-
15 governmental entities relative to preparing for, de-
16 tecting, preventing, and responding to epidemics and
17 pandemics, whether naturally occurring or caused by
18 a state or non-state actor; and

19 (3) submit to the President and Congress, and
20 make publicly available, such reports as are required
21 by this section containing such findings, conclusions,
22 and recommendations as the Commission shall de-
23 termine, including proposing organization, coordina-
24 tion, planning, management arrangements, proce-
25 dures, rules, and regulations.

1 (e) POWERS OF COMMISSION.—

2 (1) IN GENERAL.—

3 (A) HEARINGS AND EVIDENCE.—The
4 Commission or, as delegated by the chair and
5 vice chair, any subcommittee or member there-
6 of, may, for the purpose of carrying out this
7 section—

8 (i) hold such hearings and sit and act
9 at such times and places, take such testi-
10 mony, receive such evidence, administer
11 such oaths, as the Commission or such
12 designated subcommittee or designated
13 member may determine advisable; and

14 (ii) subject to subparagraph (B)(i),
15 require, by subpoena or otherwise, the at-
16 tendance and testimony of such witnesses
17 and the production of such books, records,
18 correspondence, memoranda, papers, and
19 documents, as the Commission or such
20 designated subcommittee or designated
21 member may determine advisable.

22 (B) ISSUANCE OF SUBPOENAS.—

23 (i) IN GENERAL.—A subpoena may be
24 issued under this paragraph 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 paragraph
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 (C) ENFORCEMENT OF SUBPOENAS.—

14 (i) IN GENERAL.—In the case of con-
15 tumacy or failure to obey a subpoena
16 issued under this paragraph, 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 subsection, the Commission may, by major-
8 ity vote, certify a statement of fact consti-
9 tuting such failure to the appropriate
10 United States attorney, who shall 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 (2) CONTRACTING.—The Commission may, to
19 such extent and in such amounts as are provided in
20 appropriation Acts, enter into contracts to enable
21 the Commission to discharge its duties under this
22 section.

23 (3) INFORMATION FROM FEDERAL AGENCIES.—

24 (A) IN GENERAL.—The Commission is au-
25 thorized to secure directly from any executive

1 department, bureau, agency, board, commission,
2 office, independent establishment, or instrumen-
3 tality of the Government, information, sugges-
4 tions, estimates, and statistics for the purposes
5 of this section. Each department, bureau, agen-
6 cy, board, commission, office, independent es-
7 tablishment, or instrumentality shall, to the
8 fullest extent permitted by law, furnish such in-
9 formation, suggestions, estimates, and statistics
10 directly to the Commission, upon request made
11 by the chair, the chair of any subcommittee cre-
12 ated by a majority of the Commission, or any
13 member designated by a majority of the Com-
14 mission.

15 (B) RECEIPT, HANDLING, STORAGE, AND
16 DISSEMINATION.—Information shall only be re-
17 ceived, handled, stored, and disseminated by
18 members of the Commission and its staff con-
19 sistent with all applicable statutes, regulations,
20 and Executive orders.

21 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (A) GENERAL SERVICES ADMINISTRA-
23 TION.—The Administrator of General Services
24 shall provide to the Commission on a reimburs-
25 able basis administrative support and other

1 services for the performance of the Commis-
2 sion's functions.

3 (B) OTHER DEPARTMENTS AND AGEN-
4 CIES.—In addition to the assistance prescribed
5 in subparagraph (A), departments and agencies
6 of the United States may provide to the Com-
7 mission such services, funds, facilities, staff,
8 and other support services as they may deter-
9 mine advisable and as may be authorized by
10 law.

11 (5) GIFTS.—The Commission may accept, use,
12 and dispose of gifts or donations of services or prop-
13 erty.

14 (6) POSTAL SERVICES.—The Commission may
15 use the United States mails in the same manner and
16 under the same conditions as departments and agen-
17 cies of the United States.

18 (f) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
19 MITTEE ACT.—

20 (1) IN GENERAL.—The Federal Advisory Com-
21 mittee Act (5 U.S.C. App.) shall not apply to the
22 Commission.

23 (2) PRESUMPTION FOR PUBLIC MEETINGS.—

24 (A) OPEN TO THE PUBLIC.—The Commis-
25 sion shall make its hearings and meetings open

1 to the public unless the chair and vice chair de-
2 termine by consensus, on a case-by-case basis,
3 that the hearing or meeting should be closed to
4 the public.

5 (B) PROTECTION OF INFORMATION.—Any
6 public meeting or hearing of the Commission
7 shall be conducted in a manner consistent with
8 the protection of information provided to or de-
9 veloped for or by the Commission as required
10 by any applicable statute, regulation, or Execu-
11 tive order.

12 (g) STAFF OF COMMISSION.—

13 (1) IN GENERAL.—

14 (A) APPOINTMENT AND COMPENSATION.—
15 The chair, in consultation with vice chair, in ac-
16 cordance with rules agreed upon by the Com-
17 mission, may appoint and fix the compensation
18 of a staff director and such other personnel as
19 may be necessary to enable the Commission to
20 carry out its functions, without regard to the
21 provisions of title 5, United States Code, gov-
22 erning appointments in the competitive service,
23 and without regard to the provisions of chapter
24 51 and subchapter III of chapter 53 of such
25 title relating to classification and General

1 Schedule pay rates, except that no rate of pay
2 fixed under this subsection may exceed the
3 equivalent of that payable for a position at level
4 V of the Executive Schedule under section 5316
5 of title 5, United States Code.

6 (B) PERSONNEL AS FEDERAL EMPLOY-
7 EES.—

8 (i) IN GENERAL.—The staff director
9 and any personnel of the Commission who
10 are employees shall be employees under
11 section 2105 of title 5, United States
12 Code, for purposes of chapters 63, 81, 83,
13 84, 85, 87, 89, and 90 of that title.

14 (ii) MEMBERS OF COMMISSION.—
15 Clause (i) shall not be construed to apply
16 to members of the Commission.

17 (2) DETAILEES.—Any Federal Government em-
18 ployee may be detailed to the Commission without
19 reimbursement from the Commission, and such
20 detailee shall retain the rights, status, and privileges
21 of his or her regular employment without interrup-
22 tion.

23 (3) CONSULTANT SERVICES.—The Commission
24 is authorized to procure the services of experts and
25 consultants in accordance with section 3109 of title

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

5 (h) COMPENSATION AND TRAVEL EXPENSES.—

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

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

22 (i) SECURITY CLEARANCES FOR COMMISSION MEM-
23 BERS AND STAFF.—The appropriate Federal agencies or
24 departments shall cooperate with the Commission in expe-
25 ditiously providing to the Commission members and staff

1 appropriate security clearances to the extent possible pur-
2 suant to existing procedures and requirements, except that
3 no person shall be provided with access to classified infor-
4 mation under this section without the appropriate security
5 clearances.

6 (j) REPORTS OF COMMISSION.—

7 (1) INTERIM REPORTS.—The Commission may
8 submit to the President and Congress, and make
9 publicly available, interim reports containing such
10 findings, conclusions, and recommendations for cor-
11 rective measures as have been agreed to by a major-
12 ity of Commission members.

13 (2) FINAL REPORT.—Not later than the date
14 described in paragraph (3)(A), the Commission shall
15 submit to the President and Congress, and make
16 publicly available, a final report containing such
17 findings, conclusions, and recommendations for cor-
18 rective measures as have been agreed to by a major-
19 ity of Commission members.

20 (3) DEADLINE.—

21 (A) DATE DESCRIBED.—The date de-
22 scribed in this subparagraph is October 15,
23 2021, unless not fewer than 8 members of the
24 Commission vote for a 90-day extension.

1 (B) NUMBER OF EXTENSIONS.—The Com-
2 mission may make not more than 3 extensions
3 under subparagraph (A).

4 (C) NOTIFICATION.—The Commission
5 shall notify the President, Congress, and the
6 public of each extension under subparagraph
7 (A).

8 (k) TERMINATION.—

9 (1) IN GENERAL.—The Commission, and all the
10 authorities of this section, shall terminate 90 days
11 after the date on which the final report is submitted
12 under subsection (j)(2).

13 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
14 MINATION.—The Commission may use the 90-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, disseminating the final report, and explaining
19 to the public such reports and the conclusions of the
20 Commission.

21 (l) FUNDING.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Com-
24 mission such sums as may be necessary for any fis-
25 cal year, half of which shall be derived from the ap-

1 plicable account of the House of Representatives,
2 and half of which shall be derived from the contin-
3 gent fund of the Senate.

4 (2) DURATION OF AVAILABILITY.—Amounts
5 made available to the Commission under paragraph
6 (1) shall remain available until the termination of
7 the Commission.

8 (3) NOTICE.—The chair shall promptly notify
9 Congress if the chair determines that the amounts
10 made available to the Commission under paragraph
11 (1) are insufficient for the Commission to carry out
12 its duties, including during an extended period de-
13 scribed in subsection (j)(3).