

116TH CONGRESS  
2D SESSION

# H. R. 6548

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2020

Mr. SCHIFF (for himself, Mr. CISNEROS, Mr. SHERMAN, Mr. WELCH, Mr. COHEN, Mr. SWALWELL of California, Ms. SHERRILL, Mr. TRONE, Mr. HECK, Mr. CROW, Ms. DEAN, and Ms. WILD) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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).

○