

116TH CONGRESS
2D SESSION

H. R. 6429

To establish in the Legislative Branch a National Commission on the
Coronavirus Disease 2019 Pandemic in the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2020

Mrs. MURPHY of Florida (for herself and Mr. KATKO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Transportation and Infrastructure, 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 in the Legislative Branch a National Commission on the Coronavirus Disease 2019 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.**

4 This Act may be cited as the “National Commission
5 on COVID-19 Act”.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 There is established in the legislative branch the Na-
3 tional Commission on COVID-19 in the United States
4 (hereinafter in this Act referred to as the “Commission”).

5 **SEC. 3. PURPOSES.**

6 (a) IN GENERAL.—The purposes of the Commission
7 are to—

8 (1) examine the facts and circumstances relat-
9 ing to the emergence and spread in the United
10 States of the respiratory illness known as
11 coronavirus disease 2019 (hereinafter in this Act re-
12 ferred to as “COVID-19”);

13 (2) evaluate the United States preparation for
14 and response to COVID-19; and

15 (3) report to the President and Congress on its
16 findings, conclusions, and recommendations for cor-
17 rective measures that can be taken to prevent, pre-
18 pare for, respond to, and mitigate the effects of fu-
19 ture pandemics in the United States.

20 (b) PARTICULAR SUBJECTS FOR REVIEW.—In par-
21 ticular, the Commission shall examine, evaluate, make
22 findings and recommendations, and report on the United
23 States preparation for and response to COVID-19 as it
24 relates to—

25 (1) surveillance, testing, treatments, and vac-
26 cines;

1 (2) personal protective equipment for health
2 workers and other first responders;

3 (3) medical devices, equipment, drugs, and sup-
4 ply chains;

5 (4) the use and public health impact of social
6 distancing practices, stay-at-home directives, school
7 and business closures, and other measures pre-
8 scribed by government authorities or adopted volun-
9 tarily in order to contain the virus;

10 (5) the preparedness and capacity of the United
11 States health care system, including hospitals, physi-
12 cians, community health centers, and laboratories;

13 (6) the Federal Government's actions, including
14 guidance, regarding altered standards of care, end of
15 life care, and prioritization of scarce medical and
16 emergency resources;

17 (7) the National Response Framework and any
18 other applicable response plans;

19 (8) the Defense Production Act;

20 (9) the Strategic National Stockpile;

21 (10) the role and responsibility of, and coordi-
22 nation among, departments and agencies of the
23 United States, including but not limited to, the De-
24 partment of Health and Human Services, the Cen-
25 ters for Disease Control and Prevention, the Food

1 and Drug Administration, the Department of Home-
2 land Security, the Federal Emergency Management
3 Agency, the Department of Defense, and the Na-
4 tional Security Council;

5 (11) the nature and extent of communication
6 and coordination between the Federal Government
7 and State, territory, tribal, and local governments;
8 between the Federal Government and the private
9 sector; and between the United States Government
10 and the governments of foreign nations; and

11 (12) any other subject the Commission deter-
12 mines to be appropriate and relevant in order to ful-
13 fill its purposes.

14 **SEC. 4. COMPOSITION.**

15 (a) MEMBERS.—The Commission shall consist of 10
16 members as follows:

17 (1) One member appointed by the President,
18 who shall serve as chairperson of the Commission.

19 (2) One member appointed by the leader of the
20 House of Representatives from the party opposite
21 the President (majority or minority leader, as the
22 case may be), in consultation with the leader of the
23 Senate from the party opposite the President (ma-
24 jority or minority leader, as the case may be), who
25 shall serve as vice chairperson of the Commission.

1 (3) Two members appointed by the Speaker of
2 the House of Representatives.

3 (4) Two members appointed by the minority
4 leader of the House of Representatives.

5 (5) Two members appointed by the majority
6 leader of the Senate.

7 (6) Two members appointed by the minority
8 leader of the Senate.

9 (b) QUALIFICATIONS.—

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

13 (2) NONGOVERNMENTAL APPOINTEES.—An in-
14 dividual appointed to the Commission may not be an
15 officer or employee of the Federal Government or
16 any State or local government.

17 (3) OTHER QUALIFICATIONS.—It is the sense of
18 Congress that individuals appointed to the Commis-
19 sion should be prominent United States citizens,
20 with national recognition and significant experience
21 and expertise in such professions as governmental
22 service, public health, medicine, emergency manage-
23 ment or response, public administration, logistics,
24 and organizational management.

25 (c) DEADLINE FOR APPOINTMENT.—

1 (1) IN GENERAL.—All members of the Commis-
2 sion shall be appointed on or between January 21,
3 2021, and February 19, 2021.

4 (2) EXCEPTION.—If the determination that a
5 public health emergency exists as a result of
6 COVID-19, as issued by the Secretary of the De-
7 partment of Health and Human Services on January
8 31, 2020, is not in effect as of August 31, 2020, all
9 members of the Commission shall be appointed on or
10 between September 1, 2020, and October 1, 2020.

11 (d) TERM OF MEMBERS.—Members of the Commis-
12 sion shall serve for the life of the Commission.

13 (e) INITIAL MEETING.—The Commission shall hold
14 its initial meeting and begin the operations of the Commis-
15 sion as soon as practicable, but in no event later than
16 March 15, 2021, if appointed pursuant to subsection
17 (c)(1), or October 31, 2020, if appointed pursuant to sub-
18 section (c)(2).

19 (f) QUORUM, VACANCIES.—After its initial meeting,
20 the Commission shall meet upon the call of the chair-
21 person or a majority of its members. Six members of the
22 Commission shall constitute a quorum. Any vacancy in the
23 Commission shall not affect its powers, but shall be filled
24 in the same manner in which the original appointment was
25 made.

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

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

16 **SEC. 5. POWERS OF COMMISSION.**

17 (a) IN GENERAL.—

18 (1) HEARINGS AND EVIDENCE.—The Commis-
19 sion or, on the authority of the Commission, any
20 subcommittee or member thereof, may, for the pur-
21 pose of carrying out this Act—

22 (A) hold such hearings and sit and act at
23 such times and places, take such testimony, re-
24 ceive such evidence, administer such oaths; and

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

8 (2) SUBPOENAS.—

9 (A) ISSUANCE.—

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

12 (I) by the agreement of the
13 chairperson and the vice chairperson;
14 or

15 (II) by the affirmative vote of 6
16 members of the Commission.

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

25 (B) ENFORCEMENT.—

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

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

1 102 through 104 of the Revised Statutes
2 of the United States (2 U.S.C. 192
3 through 194).

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

8 (c) INFORMATION FROM FEDERAL AGENCIES.—

9 (1) IN GENERAL.—The Commission is author-
10 ized to secure directly from any executive depart-
11 ment, bureau, agency, board, commission, office,
12 independent establishment, or instrumentality of the
13 Government, information, suggestions, estimates,
14 and statistics for the purpose of this Act, each of
15 whom shall, to the extent authorized by law, furnish
16 such information directly to the Commission, upon
17 request made by the chairperson, the chairperson of
18 any subcommittee created by a majority of the Com-
19 mission, or any member designated by a majority of
20 the Commission.

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

1 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

2 (1) GENERAL SERVICES ADMINISTRATION.—

3 The Administrator of General Services shall provide
4 to the Commission on a reimbursable basis adminis-
5 trative support and other services for the perform-
6 ance of the Commission's functions.

7 (2) OTHER DEPARTMENTS AND AGENCIES.—In

8 addition to the assistance prescribed in paragraph
9 (1), departments and agencies of the United States
10 may provide to the Commission such services, funds,
11 facilities, staff, and other support services as they
12 may determine advisable and as may be authorized
13 by law.

14 (e) GIFTS.—The Commission may accept, use, and
15 dispose of gifts or donations of services or property.

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

20 **SEC. 6. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
21 **MITTEE ACT.**

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

24 (b) PUBLIC MEETINGS AND RELEASE OF PUBLIC
25 VERSIONS OF REPORTS.—The Commission shall—

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

3 (2) release public versions of the reports re-
4 quired under section 9.

5 (c) PUBLIC HEARINGS.—Any public hearings of the
6 Commission shall be conducted in a manner consistent
7 with the protection of information provided to or developed
8 for or by the Commission as required by any applicable
9 statute, regulation, or Executive order.

10 **SEC. 7. STAFF OF COMMISSION.**

11 (a) IN GENERAL.—

12 (1) APPOINTMENT AND COMPENSATION.—The
13 chairperson, in consultation with the vice chair-
14 person, in accordance with rules agreed upon by the
15 Commission, may appoint and fix the compensation
16 of a staff director and such other personnel as may
17 be necessary to enable the Commission to carry out
18 its functions, without regard to the provisions of
19 title 5, United States Code, governing appointments
20 in the competitive service, and without regard to the
21 provisions of chapter 51 and subchapter III of chap-
22 ter 53 of such title relating to classification and
23 General Schedule pay rates, except that no rate of
24 pay fixed under this subsection may exceed the
25 equivalent of that payable for a position at level V

1 of the Executive Schedule under section 5316 of title
2 5, United States Code.

3 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

4 (A) IN GENERAL.—The executive director
5 and any personnel of the Commission who are
6 employees shall be employees under section
7 2105 of title 5, United States Code, for the
8 purposes of chapters 63, 81, 83, 84, 85, 87, 89,
9 and 90 of that title.

10 (B) MEMBERS OF COMMISSION.—Subpara-
11 graph (A) shall not be construed to apply to
12 members of the Commission.

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

18 (c) CONSULTANT SERVICES.—The Commission is au-
19 thorized to procure the services of experts and consultants
20 in accordance with section 3109 of title 5, United States
21 Code, but at rates not to exceed the daily rate paid a per-
22 son occupying a position at level IV of the Executive
23 Schedule under section 5315 of title 5, United States
24 Code.

1 **SEC. 8. SECURITY CLEARANCES FOR COMMISSION MEM-**
2 **BERS AND STAFF.**

3 The appropriate Federal departments or agencies
4 shall cooperate with the Commission in expeditiously pro-
5 viding to the Commission members and staff appropriate
6 security clearances to the extent possible pursuant to ex-
7 isting procedures and requirements, except that no person
8 shall be provided with access to classified information
9 under this title without the appropriate security clear-
10 ances.

11 **SEC. 9. REPORTS OF COMMISSION; TERMINATION.**

12 (a) INTERIM REPORTS.—The Commission may sub-
13 mit to the President and Congress interim reports con-
14 taining such findings, conclusions, and recommendations
15 for corrective measures as have been agreed to by a major-
16 ity of Commission members.

17 (b) FINAL REPORT.—Not later than 1 year after the
18 date of the Commission's initial meeting, the Commission
19 shall submit to the President and Congress a final report
20 containing such findings, conclusions, and recommenda-
21 tions for corrective measures as have been agreed to by
22 a majority of Commission members.

23 (c) TERMINATION.—

24 (1) IN GENERAL.—The Commission, and all the
25 authorities of this Act, shall terminate 60 days after

1 the date on which the final report is submitted
2 under subsection (b).

3 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
4 MINATION.—The Commission may use the 60-day
5 period referred to in paragraph (1) for the purpose
6 of concluding its activities, including providing testi-
7 mony to committees of Congress concerning its re-
8 ports and disseminating the final report.

9 **SEC. 10. FUNDING.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Commission such
12 sums as may be necessary for any fiscal year, half of which
13 shall be derived from the applicable account of the House
14 of Representatives, and half of which shall be derived from
15 the contingent fund of the Senate.

16 (b) DURATION OF AVAILABILITY.—Amounts made
17 available to the Commission under subsection (a) shall re-
18 main available until the termination of the Commission.

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