To establish the Commission on the COVID–19 Pandemic.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPEIER introduced the following bill; which was referred to the Committee on __________________

A BILL

To establish the Commission on the COVID–19 Pandemic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; SENSE OF CONGRESS.

(a) Short Title.—This Act may be cited as the “National Commission on the COVID–19 Pandemic Act”.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the SARS–CoV–2 (COVID–19) pandemic has caused immense suffering in the United States, having resulted in more than 736,000 American
deaths as of October 2021, and infecting at least 45,000,000;

(2) following other destructive and traumatic events in our history, including the September 11, 2001, terrorist attacks, Congress has established a bipartisan commission of experts to study the event and produce a report and recommendations, and such an exercise can assist in national healing;

(3) the extent of the loss of life and the economic cost of the pandemic demonstrate the high risks that pandemic diseases can pose to public health and to national security, and demands a thorough, authoritative, and independent review of the origin of SARS–CoV–2 as well as United States actions and policies before and during the pandemic, and recommendations to Congress and policymakers as to how we can be better prepared for future pandemic diseases, including those that could be caused by intentional biological attacks;

(4) individuals appointed to the Commission established in subsection (b) should be prominent citizens of the United States with national recognition and significant experience and expertise in—

(A) public health and biosafety;

(B) epidemiology;
(C) medicine;
(D) emergency management or response;
(E) public administration;
(F) logistics;
(G) organizational management; or
(H) medical intelligence and forensic investigations; and

(5) it is crucial to better understand and manage the increasing likelihood of pandemic threats (such as the recent threats of severe acute respiratory syndrome (SARS), Ebola, the 2009–H1N1 influenza, and COVID–19) and related health issues that the United States could face during the next several decades.

SEC. 2. COMMISSION ON THE COVID–19 PANDEMIC.

(a) Establishment of Commission.—There is established in the legislative branch the National Commission on the COVID–19 Pandemic (in this section referred to as the “Commission”).

(b) Duties.—The Commission shall—

(1) in accordance with subsection (d), conduct an investigation of all relevant facts and circumstances regarding the novel coronavirus disease 2019 (in this section referred to as “COVID–19”)
in order to make a full and complete accounting
of—

(A) the preparedness of the United States
for pandemic disease before the outbreak of
COVID–19;

(B) the circumstances surrounding the ini-
tial outbreak and spread of COVID–19; and

(C) the actions taken by the Federal Gov-
ernment, State, local, and Tribal governments,
including with respect to the private sector, civil
society, and relevant international organizations
(including the World Health Organization) in
response to COVID–19;

(2) identify and examine lessons learned regard-
ing pandemic preparedness, response, and recovery
efforts by the Federal Government and State, local,
and Tribal governments, and international partners;
and

(3) submit to the President and Congress, and
make publicly available, such reports as are required
by this section containing findings, conclusions, and
recommendations as the Commission determines ap-
propriate to improve the ability of the United States
to prepare for, detect, prevent, and, if necessary, re-
spond to and recover from epidemics and pandemics
such as COVID–19 (whether naturally occurring or caused by state or non-state actors) in a way that minimizes negative effects on public health, the economy, and society.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as chair of the Commission;

(B) 1 member shall be appointed by the leader of the House of Representatives (the Speaker or minority leader, as the case may be) of the political party that is not the same political party as the President, in consultation with the leader of the Senate (majority or minority leader, as the case may be) of the same political party as such leader of the House of Representatives, who shall serve as vice chair of the Commission;

(C) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;
(D) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

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

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

(2) AFFILIATIONS; INITIAL MEETING.—

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

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

(C) CONFLICTS OF INTEREST.—An individual appointed to the Commission may not have conflicts of interest, or otherwise have demonstrated a strong bias toward a particular conclusion that may prejudice the individual’s judgement as it pertains to the matters before the Commission. A senior member of the leadership of either party in the Senate or the
House of Representatives may raise objections to appointees who raise such concerns.

(D) Deadline for Appointment.—All members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(E) Initial Meeting.—The Commission shall meet and begin the operations of the Commission as soon as practicable, but not later than 15 days after appointment of all members of the Commission.

(3) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the chair or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) In-Person Meetings.—The members of the Commission shall conduct its meetings in person unless such in-person meetings would pose a health risk or significant practical challenges.

(d) Investigation.—The investigation under subsection (b)(1) shall address the following:
(1) The structure, coordination, management, policies, procedures, and actions of the Federal Government, State, local, and Tribal governments, and nongovernmental entities in response to the COVID–19 pandemic.

(2) The effectiveness of communications to the public concerning the pandemic and the public health response, including physical distancing practices, the use of masks, and other non-pharmaceutical interventions intended to reduce the spread of COVID–19.

(3) The role of international cooperation in responding to the pandemic, including the role of international organizations such as the World Health Organization and China’s government’s cooperation in the global investigation of COVID-19.

(4) The availability of personal protective equipment for health workers and first responders, and the availability of other relevant medical equipment and supplies, including the role of the Strategic National Stockpile.

(5) The role of the Federal Government in the development, testing, production, and distribution of treatments and vaccines for COVID–19.
(6) The preparedness and capacity of the health care system of the United States, including hospitals, physicians, community health centers, and laboratories.

(7) The link between variations in the language that individuals use to describe a novel virus or disease and how such language may contribute to or conversely help to prevent an increase in incidents of stigma, discrimination, and harassment against an identifiable group of people and the communities in which they live.

(8) The origins of the novel coronavirus that causes COVID–19. Such an investigation shall include engaging with willing partner governments and experts from around the world, seeking access to all relevant records on the virus cultures, isolates, genomic sequences, databases, and patient specimens, and personnel of interest. The investigation shall fully and without prejudice explore the likely origins of COVID–19, as addressed in the August, 27, 2020, Office of the Director of National Intelligence unclassified summary of the Intelligence Community assessment on COVID–19 origins, including natural exposure to an infected animal and a laboratory-associated incident involving experimen-
tation, animal handling, or sampling by the Wuhan Institute of Virology, or another lab conducting similar research.

(9) Any other subject the Commission determines relevant to understanding the origins of COVID–19, the United States response to COVID–19, and developing recommendations to prepare for future pandemics.

(e) POWERS OF COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission or, as delegated by the chair and vice chair, any subcommittee or member thereof, may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, as the Commission or such designated subcommittee or designated member may determine advisable; and

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records,
correspondence, memoranda, papers, and
documents, as the Commission or such
designated subcommittee or designated
member may determine advisable.

(B) ISSUANCE OF SUBPOENAS.—

(i) IN GENERAL.—A subpoena may be
issued under this paragraph only—

(I) by the agreement of the chair
and the vice chair; or

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

(ii) SIGNATURE.—Subject to clause
(i), subpoenas issued under this paragraph
may be issued under the signature of the
chair or any member designated by a ma-
majority of the Commission, and may be
served by any person designated by the
chair or by a member designated by a ma-
ajority of the Commission.

(C) ENFORCEMENT OF SUBPOENAS.—

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

(ii) ADDITIONAL ENFORCEMENT.—In
the case of any failure of any witness to
comply with any subpoena or to testify
when summoned under authority of this
section, the Commission may, by majority
vote, certify a statement of fact constitu-
tuting such failure to the appropriate
United States attorney, who shall bring the
matter before the grand jury for its action,
under the same statutory authority and
procedures as if the United States attorney
had received a certification under sections
102 through 104 of the Revised Statutes
of the United States (2 U.S.C. 192
through 194).

(2) CONTRACTING.—The Commission may, to
such extent and in such amounts as are provided in
appropriation Acts, enter into contracts to enable
the Commission to discharge its duties under this
section.

(3) Information from Federal, State, Local, and Tribal Agencies.—

(A) In General.—The Commission is au-

thorized to secure directly from any executive
department, bureau, agency, board, commission,
office, independent establishment, or instrument-
tality of the Federal Government or a State,
local, or Tribal government information, sugges-
tions, estimates, and statistics for the purposes
of this section. Each department, bureau, agen-
cy, board, commission, office, independent es-

tablishment, or instrumentality shall, to the
fullest extent permitted by law, furnish such in-
formation, suggestions, estimates, and statistics
directly to the Commission, upon request made
by the chair, the chair of any subcommittee cre-
ated by a majority of the Commission, or any
member designated by a majority of the Com-
mission.

(B) Receipt, Handling, Storage, and
Dissemination.—Information shall only be re-
ceived, handled, stored, and disseminated by
members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(C) **Non-interference with public health duties.**—The Commission and its staff shall seek information and testimony in a manner that ensures Federal, State, local, and Tribal individuals and entities and private sector individuals and entities are able to prioritize activities related to the pandemic response.

(4) **Assistance from federal agencies.**—

(A) **General services administration.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(B) **Intelligence and investigative support.**—The Director of National Intelligence, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Attorney General shall, to the extent authorized by law, support the duties of the Commission by providing information, intelligence, analysis, recommendations, estimates,
and statistics directly to the Commission, upon request made by the chair of the Commission, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(5) DECLASSIFICATION REVIEW OF INTELLIGENCE RELATED TO COVID–19.—

(A) COMMENCEMENT OF REVIEW.—Not later than 30 days after the date of the initial meeting of the Commission, the Director of National Intelligence shall, in coordination with the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and the heads of such other elements of the intelligence community as the Director of National Intelligence considers appropriate, commence a declassification review of any and
all information the Commission determines necessary relating to the origin of COVID–19.

(B) COMPLETION OF REVIEW.—Not later than 90 days after the date of the initial meeting of the Commission, the Director of National Intelligence shall complete the review described in subparagraph (A) and determine what additional information relating to the origin of COVID-19 can be appropriately declassified and shared with the public.

(C) SUBMISSION OF REPORT.—The Director of National Intelligence shall submit to Congress an unclassified report that contains the additional information described in subparagraph (B) with only such redactions as the Director determines necessary to protect sources and methods without altering or obscuring such information.

(6) GIFTS.—The Commission may not accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.
(f) Nonapplicability of Federal Advisory Committee Act.—

(1) In General.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) Presumption for Public Meetings.—

(A) Open to the Public.—The Commission shall make its hearings and meetings open to the public unless the chair and vice chair determine by consensus, on a case-by-case basis, that the hearing or meeting should be closed to the public.

(B) Protection of Information.—Any public meeting or hearing of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(g) Staff of Commission.—

(1) In General.—

(A) Appointment and Compensation.—

The chair and vice chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff direc-
tor and such other personnel as may be neces-
sary to enable the Commission to carry out
its functions, without regard to the provisions
of title 5, United States Code, governing ap-
pointments in the competitive service, and with-
out regard to the provisions of chapter 51 and
subchapter III of chapter 53 of such title relat-
ing to classification and General Schedule pay
rates, except that no rate of pay fixed under
this subsection may exceed the equivalent of
that payable for a position at level V of the Ex-
cecutive Schedule under section 5316 of title 5,
United States Code. The chair shall ensure that
any internships with the Commission are paid
positions.

(B) PERSONNEL AS FEDERAL EMPLOY-
EES.—

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

Clause (i) shall not be construed to apply to members of the Commission.

(2) Detailees.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) Consultant Services.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(h) Compensation and Travel Expenses.—

(1) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.
(2) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(i) Security Clearances for Commission Members and Staff.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(j) Reports of Commission.—

(1) Interim Report.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President and Congress, and make publicly available, an interim report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.
(2) **Final Report.**—Not later than the date described in paragraph (3)(A), the Commission shall submit to the President and Congress, and make publicly available, a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(3) **Deadline.**—

(A) **Date Described.**—The date described in this subparagraph is 20 months after the date of the initial meeting of the Commission, unless not fewer than 8 members of the Commission vote for an extension of not more than 120 days.

(B) **Number of Extensions.**—The Commission may make not more than 1 extension under subparagraph (A).

(C) **Notification.**—The Commission shall notify the President, Congress, and the public of each extension under subparagraph (A).

(k) **Termination.**—

(1) **In General.**—The Commission, and all the authorities of this section, shall terminate 90 days
after the date on which the final report is submitted
under subsection (j)(2).

(2) Administrative Activities Before Termination.—The Commission may use the 90-day
period referred to in paragraph (1) for the purpose
of concluding its activities, including providing testi-
mony to committees of Congress concerning its re-
ports, disseminating the final report, and explaining
to the public such reports and the conclusions of the
Commission.

(l) Funding.—

(1) Authorization of Appropriations.—
There is authorized to be appropriated to the Com-
mission such sums as may be necessary for any fis-
cal year.

(2) Duration of Availability.—Amounts
made available to the Commission under paragraph
(1) shall remain available until the termination of
the Commission.

(3) Notice.—The chair shall promptly notify
Congress if the chair determines that the amounts
made available to the Commission under paragraph
(1) are insufficient for the Commission to carry out
its duties, including during an extended period de-
scribed in subsection (j)(3).
(m) DEFINITIONS.—In this section:

(1) The terms “chair” and “vice chair” refer to the chair and vice chair of the Commission appointed under subsection (c)(1).

(2) The term “State” means each of the several States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.