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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

To establish the National Commission Regarding the 2019 Novel Coronavirus
COVID–19 Pandemic, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Mississippi introduced the following bill; which was referred
to the Committee on _____

A BILL

To establish the National Commission Regarding the 2019
Novel Coronavirus COVID–19 Pandemic, 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. SHORT TITLE.**

4 This Act may be cited as the “National Commission
5 Regarding the 2019 Novel Coronavirus (COVID–19) Pan-
6 demic Act” or the “COVID-19 Commission Act”.

1 **SEC. 2. NATIONAL COMMISSION REGARDING THE 2019**
2 **NOVEL CORONAVIRUS COVID-19 PANDEMIC.**

3 (a) ESTABLISHMENT.—There is established in the
4 legislative branch a National Commission Regarding the
5 2019 Novel Coronavirus COVID-19 Pandemic (referred
6 to in this section as the “Commission”).

7 (b) PURPOSES.—The Commission shall—

8 (1) make a full and complete accounting of the
9 circumstances surrounding the emergence of the
10 2019 novel coronavirus, the Nation’s preparedness
11 for the 2019 novel coronavirus pandemic, and the
12 actions taken by Federal, State, local, Tribal, and
13 territorial governments at critical junctures before
14 and after the World Health Organization designated
15 the 2019 novel coronavirus as a public health emer-
16 gency of international concern on January 30, 2020;

17 (2) identify and examine lessons learned regard-
18 ing preparedness, response, and recovery efforts at
19 the Federal, State, local, Tribal, territorial, and
20 international levels relating to the 2019 novel
21 coronavirus;

22 (3) review and evaluate recommendations and
23 pandemic plans issued by the Bipartisan Commis-
24 sion on Biodefense and other nonpartisan entities re-
25 garding health security, pandemic preparedness, re-
26 sponse, or recovery; and

1 (4) not later than 18 months after the initial
2 meeting of the Commission pursuant to subsection
3 (e), publish a public report that includes rec-
4 ommendations for the development of a national
5 plan to improve preparedness, response, and recov-
6 ery efforts based on the lessons learned under para-
7 graph (1) that addresses policies, programs, and, as
8 appropriate, changes in law to minimize negative
9 public health, economic, and social impacts of future
10 wide-scale public health emergencies.

11 (c) MEMBERSHIP.—

12 (1) MEMBERS.—The Commission shall be com-
13 posed of 25 members, of whom—

14 (A) two members shall be appointed by the
15 Committee on Oversight and Reform of the
16 House of Representatives, of whom one member
17 shall be selected by the Chair and one member
18 shall be selected by the Ranking Member;

19 (B) two members shall be appointed by the
20 Committee on Homeland Security of the House
21 of Representatives, of whom one member shall
22 be selected by the Chair and one member shall
23 be selected by the Ranking Member;

24 (C) two members shall be appointed by the
25 Permanent Select Committee on Intelligence of

1 the House of Representatives, of whom one
2 member shall be selected by the Chair and one
3 member shall be selected by the Ranking Mem-
4 ber;

5 (D) two members shall be appointed by the
6 Committee on Energy and Commerce of the
7 House of Representatives, of whom one member
8 shall be selected by the Chair and one member
9 shall be selected by the Ranking Member;

10 (E) two members shall be appointed by the
11 Committee on Foreign Affairs of the House of
12 Representatives, of whom one member shall be
13 selected by the Chair and one member shall be
14 selected by the Ranking Member;

15 (F) two members shall be appointed by the
16 Committee on Transportation and Infrastruc-
17 ture of the House of Representatives, of whom
18 one member shall be selected by the Chair and
19 one member shall be selected by the Ranking
20 Member;

21 (G) two members shall be appointed by the
22 Committee on Education and Labor of the
23 House of Representatives, of whom one member
24 shall be selected by the Chair and one member
25 shall be selected by the Ranking Member;

1 (H) two members shall be appointed by the
2 Committee on Homeland Security and Govern-
3 mental Affairs of the Senate, of whom one
4 member shall be selected by the Chair and one
5 member shall be selected by the Ranking Mem-
6 ber;

7 (I) two members shall be appointed by the
8 Committee on Commerce, Science, and Trans-
9 portation of the Senate, of whom one member
10 shall be selected by the Chair and one member
11 shall be selected by the Ranking Member;

12 (J) two members shall be appointed by the
13 Select Committee on Intelligence of the Senate,
14 of whom one member shall be selected by the
15 Chair and one member shall be selected by the
16 Ranking Member;

17 (K) two members shall be appointed by the
18 Committee on Health, Education, Labor, and
19 Pensions of the Senate, of whom one member
20 shall be selected by the Chair and one member
21 shall be selected by the Ranking Member;

22 (L) two members shall be appointed by the
23 Committee on Foreign Relations of the Senate,
24 of whom one member shall be selected by the

1 Chair and one member shall be selected by the
2 Ranking Member; and

3 (M) one member shall be appointed by the
4 Joint Economic Committee of Congress selected
5 by the Chairman and Vice Chair.

6 (2) QUALIFICATIONS.—

7 (A) AREAS OF EXPERTISE.—Each indi-
8 vidual appointed to the Commission shall be a
9 United States persons with significant expertise
10 in one or more of the following areas:

11 (i) Public health preparedness, re-
12 sponse, and recovery operations.

13 (ii) Administration of emergency pre-
14 paredness, response, and recovery oper-
15 ations.

16 (iii) Transportation.

17 (iv) Education.

18 (v) Economics.

19 (vi) Healthcare, with a focus on bio-
20 technology and biomedical sciences.

21 (vii) Foreign policy.

22 (viii) Logistics and supply chain.

23 (ix) Intelligence.

24 (x) Election security and administra-
25 tion.

1 (B) POLITICAL PARTY AFFILIATION.—Not
2 more than 13 members of the Commission may
3 be from the same political party.

4 (C) COMPOSITION.—At least one member
5 of the Commission shall be an individual with
6 significant expertise in each of the areas speci-
7 fied in subparagraph (A). Not fewer than 18
8 members of the Commission, in an equally di-
9 vided manner, shall be individuals with signifi-
10 cant expertise in the areas specified clauses (i)
11 and (ii) of such subparagraph.

12 (D) NONGOVERNMENT APPOINTEES.—An
13 individual appointed to the Commission may
14 not be an officer or employee of the Federal
15 Government.

16 (3) DEADLINE FOR APPOINTMENT.—Members
17 of the Commission shall be appointed not later than
18 45 days after the date of the enactment of this Act.

19 (d) CHAIR AND VICE CHAIR.—The Chair and Vice
20 Chair of the Commission shall be members with significant
21 expertise in the areas specified in clauses (i) and (ii) of
22 subsection (c)(2)(A), and shall be chosen from among the
23 members through a vote taken by a majority of the mem-
24 bers. The Chair and Vice Chair shall be of different polit-
25 ical parties.

1 (e) INITIAL MEETING.—The Commission shall meet
2 and begin operating not later than 45 days after the date
3 of the appointment of its final member.

4 (f) QUORUM; VACANCIES.—After its initial meeting,
5 the Commission shall meet upon the call of the Chair or
6 a majority of its members. Eighteen members of the Com-
7 mission shall constitute a quorum, and members shall
8 have the option to vote by proxy. Any vacancy in the Com-
9 mission shall not affect its powers, but shall be filled in
10 the same manner in which the original appointment was
11 made.

12 (g) POWERS OF COMMISSION.—

13 (1) IN GENERAL.—

14 (A) HEARINGS AND EVIDENCE.—The
15 Commission or, on the authority of the Com-
16 mission, may, for the purpose of carrying out
17 this section—

18 (i) hold such hearings and sit and act
19 at such times and places, take such testi-
20 mony, receive such evidence, administer
21 such oaths; and

22 (ii) subject to subparagraph (B), re-
23 quire, by subpoena or otherwise, the at-
24 tendance and testimony of such witnesses
25 and the production of such books, records,

1 correspondence, memoranda, papers, and
2 documents.

3 (B) SUBPOENAS.—

4 (i) ISSUANCE.—

5 (I) IN GENERAL.—A subpoena
6 may be issued under this subsection
7 only—

8 (aa) by the agreement of the
9 Chair and the Vice Chair; or

10 (bb) by the affirmative vote
11 of 18 members of the Commis-
12 sion.

13 (II) SIGNATURE.—Subject to
14 subclause (I), subpoenas issued under
15 this subsection may be issued under
16 the signature of the Chair and Vice
17 Chair or any member designated by a
18 majority of the Commission, and may
19 be served by any person designated by
20 the Chair and Vice Chair or by a
21 member designated by a majority of
22 the Commission.

23 (ii) ENFORCEMENT.—

24 (I) IN GENERAL.—In the case of
25 contumacy or failure to obey a sub-

1 poena issued under this subsection,
2 the United States district court for
3 the judicial district in which the sub-
4 poenaed person resides, is served, or
5 may be found, or where the subpoena
6 is returnable, may issue an order re-
7 quiring such person to appear at any
8 designated place to testify or to
9 produce documentary or other evi-
10 dence. Any failure to obey the order of
11 the court may be punished by the
12 court as a contempt of that court.

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

1 ceived a certification under sections
2 102 through 104 of the Revised Stat-
3 utes of the United States (2 U.S.C.
4 192 through 194).

5 (2) INFORMATION FROM FEDERAL, STATE,
6 LOCAL, TRIBAL, OR TERRITORIAL AGENCIES.—

7 (A) IN GENERAL.—The Commission is au-
8 thorized to secure directly from any executive
9 department, bureau, agency, board, commission,
10 office, independent establishment, or other in-
11 strumentality of government at the Federal,
12 State, local Tribal, or territorial level, informa-
13 tion, suggestions, estimates, and statistics for
14 the purposes of carrying out this section. Each
15 such department, bureau, agency, board, com-
16 mission, office, independent establishment, or
17 instrumentality shall, to the extent authorized
18 by law, furnish such information, suggestions,
19 estimates, and statistics directly to the Commis-
20 sion, upon request made by the Chair and Vice
21 Chair or any member designated by a majority
22 of the Commission.

23 (B) RECEIPT, HANDLING, STORAGE, AND
24 DISSEMINATION.—Information shall only be re-
25 ceived, handled, stored, and disseminated by

1 members of the Commission and its staff con-
2 sistent with all applicable statutes, regulations,
3 and Executive orders.

4 (3) ASSISTANCE FROM FEDERAL AGENCIES.—

5 (A) GENERAL SERVICES ADMINISTRA-
6 TION.—The Administrator of General Services
7 shall provide to the Commission on a reimburs-
8 able basis administrative support and other
9 services for the performance of the Commis-
10 sion's functions.

11 (B) OTHER DEPARTMENTS AND AGEN-
12 CIES.—In addition to the assistance prescribed
13 in subparagraph (A), departments and agencies
14 of the United States may provide to the Com-
15 mission such services, funds, facilities, staff,
16 and other support services as they may deter-
17 mine advisable and as may be authorized by
18 law.

19 (h) PUBLIC MEETINGS.—

20 (1) IN GENERAL.—The Commission shall hold
21 public hearings and meetings to the extent appro-
22 priate.

23 (2) PROTECTION OF CERTAIN INFORMATION.—
24 Any public hearings of the Commission shall be con-
25 ducted in a manner consistent with the protection of

1 information provided to or developed for or by the
2 Commission as required by any applicable statute,
3 regulation, or Executive order.

4 (i) STAFF OF COMMISSION.—

5 (1) IN GENERAL.—

6 (A) APPOINTMENT AND COMPENSATION.—

7 The Chair, in consultation with Vice Chair, and
8 in accordance with rules agreed upon by the
9 Commission, may appoint and fix the com-
10 pensation of an executive director and such
11 other personnel as may be necessary to enable
12 the Commission to carry out its functions, with-
13 out regard to the provisions of title 5, United
14 States Code, governing appointments in the
15 competitive service, and without regard to the
16 provisions of chapter 51 and subchapter III of
17 chapter 53 of such title relating to classification
18 and General Schedule pay rates, except that no
19 rate of pay fixed under this subsection may ex-
20 ceed the equivalent of that payable for a posi-
21 tion at level V of the Executive Schedule under
22 section 5316 of title 5, United States Code.

23 (B) PERSONNEL AS FEDERAL EMPLOY-
24 EES.—

1 (i) IN GENERAL.—The executive di-
2 rector and any other personnel of the Com-
3 mission in accordance with subparagraph
4 (A) shall be treated as employees under
5 section 2105 of title 5, United States
6 Code, for purposes of chapters 63, 81, 83,
7 84, 85, 87, 89, and 90 of that title.

8 (ii) MEMBERS OF COMMISSION.—
9 Clause (i) shall not be construed to apply
10 to members of the Commission.

11 (2) DETAILEES.—Any Federal Government em-
12 ployee may be detailed to the Commission without
13 reimbursement from the Commission, and such
14 detailee shall retain the rights, status, and privileges
15 of his or her regular employment without interrup-
16 tion.

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

24 (j) COMPENSATION AND TRAVEL EXPENSES.—Each
25 member of the Commission may be compensated at not

1 to exceed the daily equivalent of the annual rate of basic
2 pay in effect for a position at level IV of the Executive
3 Schedule under section 5315 of title 5, United States
4 Code, for each day during which that member is engaged
5 in the actual performance of the duties of the Commission.

6 (k) SECURITY CLEARANCES FOR COMMISSION MEM-
7 BERS AND STAFF.—The appropriate Federal agencies or
8 departments shall cooperate with the Commission in expe-
9 ditiously providing to the Commission members and staff
10 appropriate security clearances to the extent possible pur-
11 suant to existing procedures and requirements, except that
12 no person may be provided with access to classified infor-
13 mation under this subsection without the appropriate se-
14 curity clearances.

15 (l) TERMINATION.—

16 (1) IN GENERAL.—The Commission, and all the
17 authorities of this section, shall terminate 60 days
18 after the date on which the report is published under
19 subsection (b)(4).

20 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
21 MINATION.—The Commission may use the 60-day
22 period referred to in paragraph (1) for the purpose
23 of concluding its activities, including providing testi-
24 mony to committees of Congress concerning its re-
25 ports and disseminating the public report.

1 (m) FUNDING.—

2 (1) IN GENERAL.—There is authorized to be
3 appropriated to the Commission \$4,000,000 to carry
4 out this section.

5 (2) DURATION OF AVAILABILITY.—Amounts
6 made available to the Commission under paragraph
7 (1) are authorized to remain available until the ter-
8 mination of the Commission.