

116TH CONGRESS
2D SESSION

H. R. 6440

To establish the National Commission on the COVID–19 Pandemic.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2020

Mr. RODNEY DAVIS of Illinois (for himself, Mr. TRONE, Mr. VAN DREW, Mr. UPTON, Mr. KING of New York, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. YOUNG, Mr. LUCAS, Mr. JOYCE of Ohio, Mr. JOHNSON of South Dakota, and Mr. MOOLENAAR) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish the National Commission on the COVID–19
Pandemic.

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 “Pandemic Rapid Re-
5 sponse Act”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 There is established in the legislative branch the Na-
8 tional Commission on the COVID–19 Pandemic (in this
9 Act referred to as the “Commission”).

1 **SEC. 3. MEMBERSHIP.**

2 (a) IN GENERAL.—The Commission shall be com-
3 posed of 10 members as follows:

4 (1) One member, who shall serve as the Chair
5 of the Commission, shall be appointed by the Speak-
6 er of the House of Representatives in consultation
7 with the majority leader of the Senate and the mi-
8 nority leader of the House.

9 (2) One member, who shall serve as Vice Chair
10 of the Commission, shall be appointed by the major-
11 ity leader of the Senate in consultation with the
12 Speaker and the minority leader of the Senate.

13 (3) Two members shall be appointed by the ma-
14 jority leader of the Senate.

15 (4) Two members shall be appointed by the mi-
16 nority leader of the Senate.

17 (5) Two members shall be appointed by the
18 Speaker of the House of Representatives.

19 (6) One member shall be appointed by the mi-
20 nority leader of the House of Representatives.

21 (7) One member shall be appointed by the
22 President.

23 (b) QUALIFICATIONS; INITIAL MEETING.—

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

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

5 (3) OTHER QUALIFICATIONS.—It is the sense of
6 Congress that individuals appointed to the Commis-
7 sion should be prominent citizens of the United
8 States, with national recognition and significant
9 depth of experience in such professions as govern-
10 mental service, biological science, and higher edu-
11 cation, and that members should include individuals
12 with expertise in the medical community, including
13 hospital experts and administrators.

14 (4) DEADLINE FOR APPOINTMENT.—All mem-
15 bers of the Commission shall be appointed on or be-
16 fore December 15, 2020.

17 (5) INITIAL MEETING.—The Commission shall
18 hold its initial meeting and begin to carry out its du-
19 ties as soon as practicable after the appointment of
20 its members.

21 (c) QUORUM; VACANCIES.—After its initial meeting,
22 the Commission shall meet upon the call of the Chair or
23 a majority of its members. Six members of the Commis-
24 sion shall constitute a quorum. Any vacancy in the Com-
25 mission shall not affect its powers, but shall be filled in

1 the same manner in which the original appointment was
2 made.

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

10 (e) ESTABLISHMENT OF SUBCOMMITTEES.—With
11 the approval of a majority of its members, the Commission
12 may establish and assign duties to a subcommittee within
13 the Commission.

14 **SEC. 4. DUTIES.**

15 (a) IN GENERAL.—The duties of the Commission are
16 to—

17 (1) conduct an investigation on the relevant
18 facts and circumstances relating to the COVID–19
19 pandemic;

20 (2) compile a comprehensive national plan to
21 respond to future global and national viral outbreaks
22 and medical emergencies in light of the COVID–19
23 pandemic;

24 (3) ascertain, evaluate, and report on the evi-
25 dence developed by all relevant governmental agen-

1 cies regarding the facts and circumstances sur-
2 rounding the COVID–19 pandemic, including the
3 cause and location of the original virus outbreak as
4 well as the documented testing shortages and testing
5 failures associated with the virus;

6 (4) make a full and complete accounting of the
7 circumstances surrounding the pandemic, and the
8 extent of the Nation’s preparedness for, and imme-
9 diate response to, the pandemic;

10 (5) examine the preparedness and adequacy of
11 the Strategic National Stockpile of medical equip-
12 ment, and develop and make recommendations for
13 implementing a national plan in partnership with
14 Federal, State, and local governments and private
15 industry to adequately respond in the event of a fu-
16 ture global or national pandemic;

17 (6) identify, review, and evaluate the lessons
18 learned from the COVID–19 pandemic regarding the
19 structure, coordination, management policies, and
20 procedures of the Federal Government, and, if ap-
21 propriate, State and local governments and non-
22 governmental entities, with respect to detecting, pre-
23 venting, and responding to the spread of infectious
24 disease; and

1 (7) submit to the President and Congress such
2 reports as are required by this Act on its findings,
3 conclusions, and recommendations for corrective
4 measures that can be taken to prevent a similar out-
5 break from occurring in the future, including appro-
6 priate organization, coordination, planning, manage-
7 ment arrangements, procedures, rules, and regula-
8 tions.

9 (b) AVOIDING UNNECESSARY DUPLICATION OF
10 WORK.—In carrying out its duties, the Commission shall
11 avoid unnecessary duplication of work by—

12 (1) building upon and reviewing the findings,
13 conclusions, and recommendations resulting from in-
14 vestigations of the COVID–19 pandemic by other
15 government entities, including—

16 (A) investigations made by the Govern-
17 ment Accountability Office under the Coronavi-
18 rus Aid, Relief, and Economic Security Act;

19 (B) investigations made by committees of
20 Congress with jurisdiction over issues relating
21 to the pandemic; and

22 (C) investigations made by other executive
23 branch offices, including independent commis-
24 sions;

1 (2) including in its reports relevant facts and
2 circumstances relating to any reports or investiga-
3 tions that have already been conducted by Federal
4 agencies such as the Department of Health and
5 Human Services, the Centers for Disease Control
6 and Prevention, the Food and Drug Administration,
7 and any other Federal agencies that may have com-
8 piled relevant information on the pandemic; and

9 (3) giving priority to pursuing areas of inquiry
10 on the pandemic that the Commission determines
11 are based on newly available information or that oth-
12 erwise have not yet been investigated by the relevant
13 Federal agencies and committees of Congress.

14 **SEC. 5. POWERS OF COMMISSION.**

15 (a) **HEARINGS AND EVIDENCE.**—The Commission
16 may, for the purpose of carrying out this Act, hold hear-
17 ings, sit and act at times and places, take testimony, and
18 receive evidence as the Commission considers appropriate.
19 The Commission may administer oaths or affirmations to
20 witnesses appearing before it.

21 (b) **INFORMATION FROM FEDERAL AGENCIES.**—

22 (1) **IN GENERAL.**—The Commission is author-
23 ized to secure directly from any department, agency,
24 or office of the United States such information as
25 the Commission determines to be necessary to carry

1 out this Act. The head of each such department,
2 agency, or office shall furnish such information to
3 the Commission upon request made by the chair of
4 the Commission, the chair of any subcommittee es-
5 tablished by the Commission, or any member des-
6 igned to by a majority of the Commission to re-
7 ceive such information.

8 (2) TREATMENT OF INFORMATION RECEIVED.—

9 Any information obtained by the Commission under
10 this subsection shall be received, handled, stored,
11 and disseminated by members of the Commission
12 and its staff consistent with all applicable statutes,
13 regulations, and Executive orders.

14 (c) ASSISTANCE FROM OTHER SOURCES.—

15 (1) GENERAL SERVICES ADMINISTRATION.—

16 The Administrator of General Services shall provide
17 to the Commission on a reimbursable basis adminis-
18 trative support and other services for the perform-
19 ance of the Commission's duties.

20 (2) OTHER DEPARTMENTS AND AGENCIES.—In

21 addition to the assistance prescribed in paragraph
22 (1), departments and agencies of the United States
23 may provide to the Commission such services, funds,
24 facilities, staff, and other support services as they

1 may determine advisable and as may be authorized
2 by law.

3 (3) CONSULTATION WITH OTHER ORGANIZA-
4 TIONS.—In addition to assistance from Federal
5 agencies, departments, and congressional committees
6 of jurisdiction, the Commission shall consult the
7 World Health Organization and other global health
8 experts outside the United States.

9 (d) PUBLIC AVAILABILITY OF HEARINGS AND RE-
10 PORTS.—

11 (1) IN GENERAL.—To the extent appropriate,
12 the Commission shall—

13 (A) hold public hearings and meetings; and

14 (B) release public versions of its reports.

15 (2) REQUIREMENTS FOR PUBLIC HEARINGS.—

16 Any public hearings of the Commission shall be con-
17 ducted in a manner consistent with the protection of
18 information provided to or developed for or by the
19 Commission as required by any applicable statute,
20 regulation, or Executive order.

21 (e) APPLICATION OF CONGRESSIONAL ACCOUNT-
22 ABILITY ACT OF 1995.—For purposes of the Congres-
23 sional Accountability Act of 1995 (2 U.S.C. 1301 et
24 seq.)—

1 (1) the Commission shall be considered an em-
2 ploying office; and

3 (2) the employees of the Commission shall be
4 considered covered employees.

5 **SEC. 6. STAFF OF COMMISSION.**

6 (a) **AUTHORIZING APPOINTMENT OF STAFF.**—The
7 Chair of the Commission, in consultation with the Vice
8 Chair of the Commission and in accordance with rules
9 adopted by the Commission, may appoint and fix the com-
10 pensation of a staff director and such other personnel as
11 may be necessary to enable the Commission to carry out
12 its duties.

13 (b) **EXPERTS AND CONSULTANTS.**—Subject to rules
14 prescribed by the Commission, the Commission may pro-
15 cure temporary and intermittent services under section
16 3109(b) of title 5, United States Code.

17 (c) **STAFF OF FEDERAL AGENCIES.**—Upon request
18 of the Commission, the head of any Federal department
19 or agency may detail, on a reimbursable basis, any of the
20 personnel of that department or agency to the Commission
21 to assist it in carrying out its duties under this Act.

22 **SEC. 7. REPORTS; TERMINATION.**

23 (a) **REPORTS.**—

24 (1) **INTERIM REPORTS.**—The Commission may
25 submit to the President and Congress interim re-

1 reports containing such findings, conclusions, and rec-
2 ommendations for corrective measures as have been
3 agreed to by a majority of Commission members.

4 (2) FINAL REPORT.—Not later than 18 months
5 after the date of the enactment of this Act, the
6 Commission shall submit to the President and Con-
7 gress a final report containing such findings, conclu-
8 sions, and recommendations for corrective measures
9 as have been agreed to by a majority of Commission
10 members.

11 (b) TERMINATION.—The Commission shall terminate
12 60 days after the date on which the final report is sub-
13 mitted under this section.

14 **SEC. 8. FUNDING.**

15 There are authorized to be appropriated to the Com-
16 mission such sums as may be necessary for the Commis-
17 sion to carry out its duties under this Act, of which—

18 (1) 50 percent shall be derived from the contin-
19 gent fund of the Senate; and

20 (2) 50 percent shall be derived from the appli-
21 cable accounts of the House of Representatives.

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