

116TH CONGRESS
2D SESSION

S. 4638

To preserve and promote integrity in scientific decision making at the
Department of Health and Human Services.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2020

Mr. SCHUMER (for himself, Mrs. MURRAY, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. SCHATZ, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. CASEY, Mr. MERKLEY, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. REED, Mr. MURPHY, Mr. BROWN, Mr. PETERS, Mr. MARKEY, Ms. WARREN, Mr. MENENDEZ, Mr. DURBIN, Ms. SMITH, Ms. DUCKWORTH, Mr. KAINE, Ms. ROSEN, Ms. HIRONO, Mr. LEAHY, Mr. CARDIN, Mr. WHITEHOUSE, Ms. CORTEZ MASTO, Ms. KLOBUCHAR, Ms. STABENOW, Mr. HEINRICH, Mr. WYDEN, Ms. CANTWELL, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To preserve and promote integrity in scientific decision
making at the Department of Health and Human Services.

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 “Science and Trans-
5 parency Over Politics Act”.

1 **SEC. 2. INVESTIGATION OF POLITICAL INTERFERENCE**
2 **WITH DECISIONS OF SCIENTIFIC AGENCIES**
3 **OF HHS.**

4 (a) APPOINTMENT OF THE TASK FORCE.—

5 (1) IN GENERAL.—The Pandemic Response Ac-
6 countability Committee established under section
7 15010 of the Coronavirus Aid, Relief, and Economic
8 Security Act (Public Law 116–136), shall appoint,
9 not later than 1 month after the date of enactment
10 of this Act, the Task Force of the Pandemic Re-
11 sponse Accountability Committee (referred to in this
12 section as the “Task Force”), which shall consist of
13 5 members of the Pandemic Response Accountability
14 Committee.

15 (2) QUALIFICATIONS.—The members of the
16 Task Force shall have expertise in conducting inde-
17 pendent audits, evaluations, and investigations.

18 (b) INVESTIGATIONS AND REPORTS.—The Task
19 Force shall—

20 (1) conduct an investigation of political inter-
21 ference with decisions made by scientific agencies of
22 the Department of Health and Human Services dur-
23 ing the time period described in subsection (f); and

24 (2) not later than January 31, 2021, and every
25 6 months thereafter, until the date that is 6 months
26 after the end of the time period described in sub-

1 section (f), submit a report of the findings of such
2 investigation to the Committees on Health, Edu-
3 cation, Labor, and Pensions and Homeland Security
4 and Governmental Affairs of the Senate and the
5 Committees on Energy and Commerce and Over-
6 sight and Reform of the House of Representatives.

7 (c) CONSIDERATIONS.—In conducting the investiga-
8 tion under subsection (b), the Task Force shall consider—

9 (1) emails and other records of communica-
10 tions, including—

11 (A) communications between the White
12 House, the Department of Health and Human
13 Services, and scientific agencies of the Depart-
14 ment of Health and Human Services; and

15 (B) communications between political ap-
16 pointees, career staff, and contractors within
17 scientific agencies of the Department of Health
18 and Human Services;

19 (2) initial, subsequent, and final drafts of sci-
20 entific publications or communications, in order to
21 assess changes made by scientific agencies of the
22 Department of Health and Human Services as a re-
23 sult of political interference; and

24 (3) other information, as the Task Force deter-
25 mines appropriate.

1 (d) OBSTRUCTION OF INVESTIGATION.—The Task
 2 Force shall notify, in writing, the Committees on Health,
 3 Education, Labor, and Pensions and Homeland Security
 4 and Governmental Affairs of the Senate; the Committees
 5 on Energy and Commerce and Oversight and Reform of
 6 the House of Representatives; and the Pandemic Response
 7 Accountability Committee of any obstruction, prevention,
 8 or delay of information or communication requested pur-
 9 suant to the investigation under subsection (b), not later
 10 than 30 days after the Task Force first requested the in-
 11 formation or communication. The notification shall in-
 12 clude—

13 (1) a description of the information or commu-
 14 nication sought;

15 (2) the date on which such information or com-
 16 munication was first requested;

17 (3) the date of any subsequent effort to obtain
 18 the information or communication; and

19 (4) a summary of any response from the person
 20 from which the information or communication was
 21 requested, including any explanation by that person
 22 of why the requested information or communication
 23 is not being provided.

24 (e) DEFINITION.—For purposes of this section, the
 25 term “political interference with decisions made by sci-

1 entific agencies of the Health and Human Services” in-
2 cludes any significant action by the executive branch of
3 the Federal Government to—

4 (1) pressure the Food and Drug Administration
5 to reach a certain outcome related to a drug, device,
6 or biological product for the diagnosis, cure, mitiga-
7 tion, treatment, or prevention of COVID–19;

8 (2) pressure such agency to make a decision re-
9 lated to a drug, device, or biological product for the
10 diagnosis, cure, mitigation, treatment, or prevention
11 of COVID–19 within a certain timeframe;

12 (3) prevent such agency from taking an action
13 related to a drug, device, or biological product for
14 the diagnosis, cure, mitigation, treatment, or preven-
15 tion of COVID–19, or from taking such action with-
16 in a particular timeframe;

17 (4) make a decision for the Food and Drug Ad-
18 ministration related to a drug, device, or biological
19 product for the diagnosis, cure, mitigation, treat-
20 ment, or prevention of COVID–19 that the Food
21 and Drug Administration would make itself in the
22 ordinary course;

23 (5) pressure the Centers for Disease Control
24 and Prevention or any other scientific agency of the
25 Department of Health and Human Services to re-

1 lease, withhold, or modify public health guidance,
2 data, information, or publications related to
3 COVID–19 in a manner that is inconsistent with the
4 conclusion reached by the relevant senior career sci-
5 entists;

6 (6) provide a grant, cooperative agreement,
7 award, or other Federal support through a scientific
8 agency of the Department of Health and Human
9 Services for an entity or endeavor related to
10 COVID–19 for reasons other than strengthening the
11 Nation’s COVID–19 response, including with respect
12 to reducing morbidity and mortality related to
13 COVID–19; or

14 (7) otherwise influence decisions by scientific
15 agencies of the Department of Health and Human
16 Services in a manner that is inconsistent with
17 strengthening the Nation’s COVID–19 response, in-
18 cluding with respect to reducing morbidity and mor-
19 tality related to COVID–19.

20 (f) TIME PERIOD.—The time period described in this
21 subsection is the period beginning on the effective date
22 of the public health emergency declared by the Secretary
23 of Health and Human Services under section 319 of the
24 Public Health Service Act (42 U.S.C. 247d) on January

1 31, 2020, with respect to COVID–19, and ending on the
2 last day of such public health emergency.

3 (g) CLARIFICATION.—Nothing in this section shall
4 prevent the Task Force from releasing any information
5 before January 31, 2021, or before a full report is com-
6 plete, if the Task Force determines that the release of
7 such information is in the public interest.

8 (h) FUNDING.—To carry out this section, there are
9 authorized to be appropriated \$25,000,000 for the period
10 of fiscal years 2021 and 2022.

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