AMENDMENT TO RULES COMMITTEE PRINT 117-

31

OFFERED BY MR. POSEY OF FLORIDA

Page 829, after line 23, add the following:

TITLE V—PANDEMICS REQUIRE EVALUATING, PLANNING, AND RESPONDING EFFECTIVELY

4 SEC. 20501. ESTABLISHMENT OF COMMISSION.

5 There is established in the legislative branch the Na6 tional Commission on the COVID-19 Pandemic (in this
7 Act referred to as the "Commission").

8 SEC. 20502. PURPOSES.

9 The purposes of the Commission are to—

10 (1) examine and report upon the facts and
11 causes relating to the COVID-19 pandemic that re12 sulted from the global spread of the SARS-CoV-2
13 virus, from Wuhan, China;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the pandemic and the emergence of SARSCoV-2;

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1 (3) build upon the investigations of other enti-2 ties, and avoid unnecessary duplication by critically 3 the reviewing findings, conclusions. and recommendations of executive branch, congressional, or 4 5 independent commission investigations into the 6 COVID-19 pandemic while adopting only the find-7 ings, conclusions, and recommendations of such in-8 vestigations as the Commission shall find accurate 9 and unbiased;

(4) make a full and complete accounting of the
circumstances surrounding the pandemic, and the
extent of the United States preparedness for, and
immediate response to, the pandemic; and

14 (5) investigate and report to the President and
15 Congress on its findings, conclusions, and rec16 ommendations for corrective measures that can be
17 taken to prevent, better prepare for, and respond to
18 pandemics.

19 SEC. 20503. CONSIDERATIONS.

In carrying out its duties in furtherance of the purposes specified in section 20502, the Commission shall
consider the following:

(1) Compiling a full and complete accounting of
the circumstances surrounding the emergence of the
2019 novel coronavirus, the Nation's preparedness

1 for the 2019 novel coronavirus pandemic, and the 2 actions taken by Federal, State, local, Tribal, and 3 territorial governments at critical junctures before 4 and after the World Health Organization designated 5 the 2019 novel coronavirus as a public health emer-6 gency of international concern on January 30, 2020. 7 (2)Evaluating the effectiveness of United 8 States public health reconnaissance and intelligence 9 in recognizing the COVID-19 pandemic at its source 10 and effectively mobilizing the nation to meet the 11 challenge of the pandemic. 12 (3) Identifying biological collaborations among 13 government, private, nonprofit, not-for-profit enti-14 ties, and other scientific communities, evaluating the 15 manner in which such collaborations can increase 16 the risk of accidental releases of harmful pathogens, 17 and making recommendations that will decrease 18 such risks. 19 (4) Identifying the lead person or agency of the 20 Federal Government responsible for conducting the 21 reconnaissance and intelligence in (1) and evaluating 22 the performance of this entity and the efficacy of the 23 assignment of such lead to this entity. 24 (5) Articulating the policy objectives of the

25 Federal Government in preparing, responding to and

recovering from a pandemic and the performance
 metrics and standards to evaluate contributions to
 the overall objectives as articulated.

4 (6) Identifying the current agency of the Fed5 eral Government with the lead for pandemic pre6 paredness and response.

7 (7) Evaluating the integration of the pandemic
8 planning into the National Preparedness System and
9 other preparedness activities throughout the Federal
10 Government.

(8) Evaluating the performance of the Federal,
State, and local governments in preparing for and
responding to the COVID-19 declared emergency
within the context of the National Preparedness System.

(9) Assessment of the assignment of roles and
responsibilities among Federal, State, and local governments in preparing for, responding to and recovering from the COVID-19 pandemic.

(10) Evaluation of the performance of an allhazard preparedness and response system in meeting
the challenges of the COVID-19 emergency and
whether actions should be taken to adapt preparedness and response to unique circumstances related to
pandemics.

1 (11) Evaluating whether the identification of 2 lead person or agency for pandemic preparedness is 3 clear and effective and whether the lead for pan-4 demic preparedness and response requires consolida-5 tion or should be reassigned to an alternative agen-6 cy.

7 (12) Examining ways to improve integration
8 and coordination of preparedness and responses to
9 pandemics at all levels of government, Federal,
10 State, and local.

(13) Evaluating the resilience of production responses to the COVID-19 crisis particularly those
related medicines, medical equipment, protective
equipment and other medical supplies and the role
of the Federal and other governments in responding
to supply chain needs for pandemics.

17 (14) Identifying and evaluating the degree of 18 reliance of the United States on vulnerable supply 19 chains for medicines, medical equipment, protective 20 equipment and other medical supplies necessary to 21 prepare for and respond to a pandemic and all rea-22 sonable alternatives for mitigating such 23 vulnerabilities in future pandemics.

24 (15) Evaluating the contribution of the Defense25 Production Act in the COVID-19 emergency and

whether this law should be amended to improve pan demic preparedness and response.

(16) Evaluating the National Stockpile in preparing for and responding to pandemics, the performance of the National Stockpile in responding to
the COVID-19 emergency, and all reasonable alternatives improving the management and contributions of the Stockpile in preparing for and responding to future pandemics.

(17) Evaluating the role of the Federal Government in developing and approving surveillance, testing, treatments, therapeutics and vaccines for
COVID-19 and all reasonable alternatives to improve the development of therapeutics and vaccines
in future pandemics.

16 (18) Evaluating the Federal, State, and local
17 response to the COVID-19 emergency related to en18 suring adequate national surge capacity infrastruc19 ture in hospitals and medical centers and alter20 natives for improving such preparedness and re21 sponse to ensure adequate capacity in future
22 pandemics.

(19) Identifying and evaluating the array of
public health interventions at the Federal, State,
and local levels, including mask orders, social

1 distancing practices, stay-at-home directives, school 2 and business closures, and other measures, implemented in response to the COVID-19 emergency 3 4 and evaluating all reasonable alternatives for improving such public health responses in future 5 6 pandemics with a due consideration of the economic 7 and other public health costs and tradeoffs associ-8 ated with such measures. 9 (20) Evaluating the performance of financial

9 (20) Evaluating the performance of financial
10 markets and regulators during the COVID-19 emer11 gency.

(21) Evaluating the overall efficacy of the Federal economic response to the COVID-19 emergency
and recommendations for modifying those responses
to improve preparedness and response to future
pandemics.

17 (22) Any other feature of the COVID-19 emer18 gency that would improve the prevention, prepared19 ness and response to future pandemic emergencies.
20 SEC. 20504. COMPOSITION OF COMMISSION.

21 (a) MEMBERS.—The Commission shall be composed22 of 10 members, of whom—

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

1	(2) 1 member shall be appointed by the leader
2	of the Senate whose political party is other than the
3	political party of the President (regardless of wheth-
4	er such individual is the majority or minority lead-
5	er), in consultation with the leader of the House of
6	Representatives whose political party is other than
7	the political party of the President (regardless of
8	whether such individual is the Speaker of the House
9	of Representatives or the minority leader), who shall
10	serve as vice chairperson of the Commission;
11	(3) 2 members shall be appointed by the senior
12	member of the majority leadership of the Senate;
13	(4) 2 members shall be appointed by the senior
14	member of the majority leadership of the House of
15	Representatives;
16	(5) 2 members shall be appointed by the senior
17	member of the minority leadership of the Senate;
18	and
19	(6) 2 members shall be appointed by the senior
20	member of the minority leadership of the House of
21	Representatives.
22	(b) QUALIFICATIONS; INITIAL MEETING.—
23	(1) POLITICAL PARTY AFFILIATION.—Each
24	major political party shall be represented by not
25	fewer than five members of the Commission.

(2) NONGOVERNMENTAL APPOINTEES.—An in dividual appointed to the Commission may not be an
 officer or employee of the Federal Government or
 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 United States citizens, 8 with national recognition and significant depth of ex-9 perience in such professions as governmental service, 10 science, health, law, public administration, intel-11 ligence gathering, commerce, logistics, and foreign 12 affairs.

(4) NO CONFLICTS OF INTEREST.—An individual appointed to the Commission may not have a
conflict of interest with respect to any potential
issue or inquiry that may come within the purview
of the Commission consistent with Federal law relating to conflicts-of-interest and congressional ethics
rules.

20 (5) DEADLINE FOR APPOINTMENT.—All mem21 bers of the Commission shall be appointed not later
22 than 90 days after the date of the enactment of this
23 Act.

(6) INITIAL MEETING.—The Commission shall
 meet and begin the operations of the Commission as
 soon as practicable.

4 (c) QUORUM; VACANCIES.—After its initial meeting, 5 the Commission shall meet upon the call of the chairman 6 or a majority of its members. Six members of the Commis-7 sion shall constitute a quorum. Any vacancy in the Com-8 mission shall not affect its powers, but shall be filled in 9 the same manner in which the original appointment was 10 made.

11 SEC. 20505. FUNCTIONS OF COMMISSION.

12 The functions of the Commission are to—

13 (1) conduct an investigation that—

14 (A) investigates relevant facts and cir15 cumstances relating to the COVID-19 pan16 demic, including any relevant legislation, Execu17 tive order, regulation, plan, policy, scientific re18 search, practice, or procedure; and

19(B) include relevant facts and cir-20cumstances relating to—

21 (i) scientific and public health re22 search;

23 (ii) public and private scientific orga-24 nizations;

25 (iii) charitable organizations;

1	(iv) academic organizations;
2	(v) economic, education, scientific and
3	commercial institutions;
4	(vi) healthcare, public health policies,
5	and pandemic preparedness;
6	(vii) the role of congressional over-
7	sight and resource allocation; and
8	(viii) other areas of the public and
9	private sectors determined relevant by the
10	Commission for its inquiry;
11	(2) identify, review, and evaluate the lessons
12	learned from the COVID–19 pandemic from how the
13	virus emerged and spread to the ongoing response
14	efforts, regarding the structure, coordination, man-
15	agement policies, and procedures of the Federal
16	Government, and, where appropriate, State and local
17	governments, nongovernmental entities and inter-
18	national organizations, relative to detecting, pre-
19	venting, and responding to such disease events; and
20	(3) submit to the President and Congress such
21	reports as are required by this title containing such
22	findings, conclusions, and recommendations as the
23	Commission shall determine, including proposing or-
24	ganization, coordination, planning, management ar-
25	rangements, procedures, rules, and regulations.

1 SEC. 20506. POWERS OF COMMISSION.

2 (a) IN GENERAL.—

3 (1) HEARINGS AND EVIDENCE.—The Commis4 sion or, on the authority of the Commission, any
5 subcommittee or member thereof, may, for the pur6 pose of carrying out this title—

7 (A) hold such hearings and sit and act at 8 such times and places, take such testimony, re-9 ceive such evidence, administer such oaths; and 10 (B) subject to paragraph (2)(A), require, 11 by subpoena or otherwise, the attendance and 12 testimony of such witnesses and the production 13 of such books, records, correspondence, memo-14 randa, papers, and documents, as the Commis-15 sion or such designated subcommittee or des-16 ignated member may determine advisable.

17 (2) SUBPOENAS.—

18 (A) ISSUANCE.—

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

(I) by the agreement of the
chairman and the vice chairman; or
(II) by the affirmative vote of 6

24 members of the Commission.

25 (ii) SIGNATURE.—Subject to clause
26 (i), subpoenas issued under this subsection

1	may be issued under the signature of the
2	chairman or any member designated by a
3	majority of the Commission, and may be
4	served by any person designated by the
5	chairman or by a member designated by a
6	majority of the Commission.
7	(B) Enforcement.—
8	(i) IN GENERAL.—In the case of con-
9	tumacy or failure to obey a subpoena
10	issued under subsection (a), the United
11	States district court for the judicial district
12	in which the subpoenaed person resides, is
13	served, or may be found, or where the sub-
14	poena is returnable, may issue an order re-
15	quiring such person to appear at any des-
16	ignated place to testify or to produce docu-
17	mentary or other evidence. Any failure to
18	obey the order of the court may be pun-
19	ished by the court as a contempt of that
20	court.
21	(ii) Additional enforcement.—In
22	the case of any failure of any witness to
23	comply with any subpoena or to testify
24	when summoned under authority of this
25	section, the Commission may, by majority

1	vote, certify a statement of fact consti-
2	tuting such failure to the appropriate
3	United States attorney, who may bring the
4	matter before the grand jury for its action,
5	under the same statutory authority and
6	procedures as if the United States attorney
7	had received a certification under sections
8	102 through 104 of the Revised Statutes
9	of the United States (2 U.S.C. 192
10	through 194).
11	(b) CONTRACTING.—The Commission may, to such
12	extent and in such amounts as are provided in appropria-
13	tion Acts, enter into contracts to enable the Commission
14	to discharge its duties under this title.
15	(c) INFORMATION FROM FEDERAL AGENCIES.—
16	(1) IN GENERAL.—The Commission is author-
17	ized to secure directly from any executive depart-
18	ment, bureau, agency, board, commission, office,
19	independent establishment, or instrumentality of the
20	Government, information, suggestions, estimates,
21	and statistics for the purposes of this title. Each de-
22	partment, bureau, agency, board, commission, office,
23	independent establishment, or instrumentality shall,
24	to the extent authorized by law, furnish such infor-
25	mation, suggestions, estimates, and statistics di-

rectly to the Commission, upon request made by the
 chairman, the chairman of any subcommittee cre ated by a majority of the Commission, or any mem ber designated by a majority of the Commission.

5 (2) RECEIPT, HANDLING, STORAGE, AND DIS6 SEMINATION.—Information shall only be received,
7 handled, stored, and disseminated by members of
8 the Commission and its staff consistent with all ap9 plicable statutes, regulations, and Executive orders.
10 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) 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.

16 (2) OTHER DEPARTMENTS AND AGENCIES.—In 17 addition to the assistance prescribed in paragraph 18 (1), departments and agencies of the United States 19 may provide to the Commission such services, funds, 20 facilities, staff, and other support services as they 21 may determine advisable and as may be authorized 22 by law.

(e) POSTAL SERVICES.—The Commission may usethe United States mails in the same manner and under

the same conditions as departments and agencies of the
 United States.

3 SEC. 20507. NONAPPLICABILITY OF FEDERAL ADVISORY 4 COMMITTEE ACT.

5 (a) IN GENERAL.—The Federal Advisory Committee
6 Act (5 U.S.C. App.) shall not apply to the Commission.
7 (b) PUBLIC MEETINGS.—

8 (1) Each Commission meeting shall be open to9 the public.

10 (2) Except when the Commission determines 11 otherwise for reasons of national security, timely no-12 tice of each such meeting shall be published in the 13 Federal Register, and the Commission shall; publish 14 procedures to provide for other types of public notice 15 to ensure that all interested persons are notified of 16 such meeting prior thereto.

17 (3) Interested persons shall be permitted to at18 tend, appear before, or file statements with the
19 Commission, subject to such reasonable procedures
20 as the Commission may prescribe and publish.

21 (c) Records.—

(1) MAINTENANCE OF RECORDS.—The Commission shall maintain and dispose of all records related to Commission, its meeting and general business in accordance with statutes governing the main-

tenance and disposition of records that apply to any
 agency of the Federal Government.

(2) PUBLIC ACCESS.—In accordance with proce-3 4 dures to be adopted and published by the Commis-5 sion, the records, reports, transcripts, minutes, ap-6 pendixes, working papers, drafts, studies, agenda, or 7 other documents which were made available to or 8 prepared for or by the Commission shall be available 9 for public inspection and copying at a single location 10 in the offices of the Commission until the Commis-11 sion ceases to exist and after the termination of the 12 Commission, such records shall be transferred to the 13 National Archives and Records Administration.

14 (3) EXEMPTIONS.—The requirement for public
15 access under paragraph (2) shall not apply to
16 records that are—

17 (A) specifically authorized under criteria
18 established by an Executive order to be kept se19 cret in the interest of national defense or for20 eign policy and are in fact properly classified
21 pursuant to such Executive order;

(B) related solely to the internal personnel
rules and practices of any Federal agency;

24 (C) specifically exempted from disclosure
25 by statute, if that statute—

1	(i) requires that the matters be with-
2	held from the public in such a manner as
3	to leave no discretion on the issue; or
4	(ii) establishes particular criteria for
5	withholding or refers to particular types of
6	matters to be withheld;
7	(D) trade secrets and commercial or finan-
8	cial information obtained from a person and
9	privileged or confidential;
10	(E) that are inter-agency or intra-agency
11	memorandums or letters that would not be
12	available by law to a party other than an agen-
13	cy including the Commission in litigation with
14	the agency, provided that the deliberative proc-
15	ess privilege shall not apply to records created
16	25 years or more before the date on which the
17	records were requested;
18	(F) personnel and medical files and similar
19	files the disclosure of which would constitute a
20	clearly unwarranted invasion of personal pri-
21	vacy;
22	(G) records or information compiled for
23	law enforcement purposes, but only to the ex-
24	tent that the production of such law enforce-
25	ment records or information—

1	(i) could reasonably be expected to
2	interfere with enforcement proceedings;
3	(ii) would deprive a person of a right
4	to a fair trial or an impartial adjudication;
5	(iii) could reasonably be expected to
6	constitute an unwarranted invasion of per-
7	sonal privacy;
8	(iv) could reasonably be expected to
9	disclose the identity of a confidential
10	source, including a State, local, or foreign
11	agency or authority or any private institu-
12	tion which furnished information on a con-
13	fidential basis, and, in the case of a record
14	or information compiled by criminal law
15	enforcement authority in the course of a
16	criminal investigation or by an agency con-
17	ducting a lawful national security intel-
18	ligence investigation, information furnished
19	by a confidential source;
20	(v) would disclose techniques and pro-
21	cedures for law enforcement investigations
22	or prosecutions, or would disclose guide-
23	lines for law enforcement investigations or
24	prosecutions if such disclosure could rea-

1	sonably be expected to risk circumvention
2	of the law; or
3	(vi) could reasonably be expected to
4	endanger the life or physical safety of any
5	individual;
6	(H) contained in or related to examination,
7	operating, or condition reports prepared by, on
8	behalf of, or for the use of an agency respon-
9	sible for the regulation or supervision of finan-
10	cial institutions; or
11	(I) geological and geophysical information
12	and data, including maps, concerning wells.
13	Any reasonably segregable portion of a record shall
14	be provided to any person requesting such record
15	after deletion of the portions which are exempt
16	under this subsection. The amount of information
17	deleted, and the exemption under which the deletion
18	is made, shall be indicated on the released portion
19	of the record, unless including that indication would
20	harm an interest protected by the exemption in this
21	subsection under which the deletion is made. If tech-
22	nically feasible, the amount of the information de-
23	leted, and the exemption under which the deletion is
24	made, shall be indicated at the place in the record
25	where such deletion is made.

1 (4) CONSTRUCTION.—Nothing in paragraph (3) 2 shall be construed as imposing any limitation what-3 soever on the scope or subject matter of the Com-4 mission's inquiry. The Commission shall arrange for 5 secure access to all Commission records and a com-6 prehensive Commission report without redaction by 7 any Member of Congress or authorized individual 8 with a required security clearance in appropriately 9 secure facilities.

(d) PUBLIC HEARINGS.—Any public hearings of the
11 Commission shall be conducted in a manner consistent
12 with the protection of information provided to or developed
13 for or by the Commission as required by any applicable
14 statute, regulation, or Executive order.

15 SEC. 20508. STAFF OF COMMISSION.

16 (a) IN GENERAL.—

17 (1) APPOINTMENT AND COMPENSATION.—The 18 chairman, in consultation with vice chairman, in ac-19 cordance with rules agreed upon by the Commission, 20 may appoint and fix the compensation of a staff di-21 rector and such other personnel as may be necessary 22 to enable the Commission to carry out its functions, 23 without regard to the provisions of title 5, United 24 States Code, governing appointments in the competi-25 tive service, and without regard to the provisions of

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1	chapter 51 and subchapter III of chapter 53 of such
2	title relating to classification and General Schedule
3	pay rates, except that no rate of pay fixed under this
4	subsection may exceed the equivalent of that payable
5	for a position at level V of the Executive Schedule
6	under section 5316 of title 5, United States Code.
7	(2) Personnel as federal employees.—
8	(A) IN GENERAL.—The executive director
9	and any personnel of the Commission who are
10	employees shall be employees under section
11	2105 of title 5, United States Code, for pur-
12	poses of chapters 63, 81, 83, 84, 85, 87, 89,
13	and 90 of that title.
14	(B) Members of commission.—Subpara-
15	graph (A) shall not be construed to apply to
16	members of the Commission.
17	(b) DETAILEES.—Any Federal Government employee
18	may be detailed to the Commission without reimbursement
19	from the Commission, and such detailee shall retain the
20	rights, status, and privileges of his or her regular employ-
21	ment without interruption.
22	(c) CONSULTANT SERVICES.—The Commission is au-
23	thorized to procure the services of experts and consultants
24	in accordance with section 3109 of title 5, United States
25	Code, but at rates not to exceed the daily rate paid a per-

son occupying a position at level IV of the Executive
 Schedule under section 5315 of title 5, United States
 Code.

4 (d) CONFLICTS OF INTEREST.—All individuals whose
5 services are rendered to the Commission will be free from
6 any financial, academic, personal, or professional conflicts
7 of interest which may interfere with the work of the Com8 mission.

9 SEC. 20509. COMPENSATION AND TRAVEL EXPENSES.

(a) 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.

17 (b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance 18 19 of services for the Commission, members of the Commis-20 sion shall be allowed travel expenses, including per diem 21 in lieu of subsistence, in the same manner as persons em-22 ployed intermittently in the Government service are al-23 lowed expenses under section 5703(b) of title 5, United States Code. 24

1 SEC. 20510. SECURITY CLEARANCES FOR COMMISSION 2 MEMBERS AND STAFF.

3 The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously pro-4 5 viding to the Commission members and staff appropriate security clearances to the extent possible pursuant to ex-6 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. 20511. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations
for corrective measures as have been agreed to by a majority of Commission members.

17 (b) FINAL REPORT.—Not later than 18 months after 18 the date of the enactment of this Act, 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 title, shall terminate 60 days after

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

3 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER4 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 testi7 mony to committees of Congress concerning its re8 ports and disseminating the final report.

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