

117TH CONGRESS
2D SESSION

S. 5327

To establish the National Task Force on the Response of the United States
to the COVID–19 Pandemic.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2022

Mrs. FEINSTEIN (for herself, Mr. MARSHALL, Mrs. GILLIBRAND, Ms. BALDWIN, and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish the National Task Force on the Response of
the United States to 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 “National Task Force
5 on the COVID-19 Pandemic Act”.

6 **SEC. 2. COMPREHENSIVE REVIEW OF THE COVID–19 RE-**
7 **SPONSE.**

8 (a) ESTABLISHMENT OF TASK FORCE.—There is es-
9 tablished in the legislative branch a task force to be known

1 as the “National Task Force on the Response of the
2 United States to the COVID–19 Pandemic” (referred to
3 in this section as the “Task Force”).

4 (b) PURPOSES.—The purposes of the Task Force are
5 to—

6 (1) examine, assess, and report upon the
7 United States preparedness for, and response to, the
8 COVID–19 pandemic, including—

9 (A) the initial Federal, State, local, and
10 territorial responses in the United States;

11 (B) the ongoing Federal, State, local, and
12 territorial responses in the United States, in-
13 cluding the activities, policies, and decisions of
14 the Trump Administration and the Biden Ad-
15 ministration;

16 (C) the impact of the pandemic on public
17 health and health care systems; and

18 (D) the initial outbreak in Wuhan, China,
19 including efforts to determine the potential
20 causes for the emergence of the SARS–CoV–2
21 virus, and Federal actions to mitigate its spread
22 internationally;

23 (2) build upon existing or ongoing evaluations
24 and avoid unnecessary duplication, by reviewing the
25 findings, conclusions, and recommendations of other

1 appropriate task forces, committees, commissions, or
2 entities established by other public or nonprofit pri-
3 vate entities related to the United States prepared-
4 ness for, and response to, the COVID–19 pandemic;

5 (3) identify gaps in public health preparedness
6 and medical response policies, processes, and activi-
7 ties, including disparities in COVID–19 infection
8 and mortality rates among people of color, older
9 adults, people with disabilities, and other vulnerable
10 or at-risk groups, and how such gaps impacted the
11 ability of the United States to respond to the
12 COVID–19 pandemic; and

13 (4) submit a report to the President and to
14 Congress on its findings, conclusions, and rec-
15 ommendations to improve the United States pre-
16 paredness for, and response to, future public health
17 emergencies, including a public health emergency re-
18 sulting from an emerging infectious disease.

19 (c) COMPOSITION OF TASK FORCE; MEETINGS.—

20 (1) MEMBERS.—The Task Force shall be com-
21 posed of 12 members, of whom—

22 (A) 1 member shall be appointed by the
23 majority leader of the Senate;

24 (B) 1 member shall be appointed by the
25 minority leader of the Senate;

1 (C) 2 members shall be appointed by the
2 chair of the Committee on Health, Education,
3 Labor, and Pensions of the Senate;

4 (D) 2 members shall be appointed by the
5 ranking member of the Committee on Health,
6 Education, Labor, and Pensions of the Senate;

7 (E) 1 member shall be appointed by the
8 Speaker of the House of Representatives;

9 (F) 1 member shall be appointed by the
10 minority leader of the House of Representa-
11 tives;

12 (G) 2 members shall be appointed by the
13 chair of the Committee on Energy and Com-
14 merce of the House of Representatives; and

15 (H) 2 members shall be appointed by the
16 ranking member of the Committee on Energy
17 and Commerce of the House of Representatives.

18 (2) CHAIR AND VICE CHAIR.—Not later than 30
19 days after the date on which all members of the
20 Task Force are appointed under paragraph (1), such
21 members shall meet to elect a Chair and Vice Chair
22 from among such members. The Chair and Vice
23 Chair shall each be elected to serve upon an affirma-
24 tive vote from not less than 8 members of the Task

1 Force. The Chair and Vice Chair shall not be reg-
2 istered members of the same political party.

3 (3) QUALIFICATIONS.—

4 (A) POLITICAL PARTY AFFILIATION.—Not
5 more than 6 members of the Task Force shall
6 be registered members of the same political
7 party.

8 (B) NONGOVERNMENTAL APPOINTEES.—

9 An individual appointed to the Task Force may
10 not be an officer or employee of the Federal
11 Government or any State, local, Tribal, or terri-
12 torial government.

13 (C) QUALIFICATIONS.—It is the sense of
14 Congress that individuals appointed to the Task
15 Force should be highly qualified citizens of the
16 United States. Members appointed under para-
17 graph (1) may include individuals with expertise
18 in—

19 (i) public health, health disparities
20 and at-risk populations, medicine, and re-
21 lated fields;

22 (ii) State, local, Tribal, or territorial
23 government, including public health and
24 medical preparedness and response and

1 emergency management and other relevant
2 public administration;

3 (iii) research regarding, or the devel-
4 opment, manufacturing, distribution, and
5 regulation of, medical products;

6 (iv) national security and foreign rela-
7 tions, including global health; and

8 (v) commerce, including transpor-
9 tation, supply chains, and small business.

10 (4) DEADLINE FOR APPOINTMENT.—All mem-
11 bers of the Task Force shall be appointed not later
12 than 90 days after the date of enactment of this
13 Act.

14 (5) MEETINGS.—The Task Force shall meet
15 and begin the operations of the Task Force as soon
16 as practicable. After its initial meeting, the Task
17 Force shall meet upon the call of the Chair and Vice
18 Chair or not less than 8 of its members.

19 (6) QUORUM; VACANCIES.—

20 (A) QUORUM.—Eight members of the
21 Task Force shall constitute a quorum.

22 (B) VACANCIES.—Any vacancy in the Task
23 Force shall not affect its powers, but shall be
24 filled in the same manner in which the original
25 appointment was made.

1 (d) FUNCTIONS OF TASK FORCE.—The functions of
2 the Task Force are to—

3 (1) conduct a review that—

4 (A) examines the initial outbreak of the
5 SARS-CoV-2 virus in Wuhan, China, includ-
6 ing—

7 (i) engaging with willing partner gov-
8 ernments and global experts;

9 (ii) seeking access to relevant records;
10 and

11 (iii) examining the potential causes of
12 the emergence and source of the virus;

13 (B) examines the United States prepara-
14 tion for, and response to, the COVID-19 pan-
15 demic, including—

16 (i) relevant laws, policies, regulations,
17 and processes that were in place prior to,
18 or put into place during, the public health
19 emergency declared by the Secretary of
20 Health and Human Services under section
21 319 of the Public Health Service Act (42
22 U.S.C. 247d) with respect to COVID-19,
23 including any that are put into place re-
24 lated to such public health emergency after
25 the date of enactment of this Act and prior

1 to the issuance of the final report pursuant
2 to subsection (j)(2);

3 (ii) relevant actions taken by, and co-
4 ordination between, Federal, State, local,
5 Tribal, and territorial governments, non-
6 governmental organizations, and inter-
7 national organizations on preparedness and
8 response efforts, including coordination be-
9 tween governments and other public and
10 private entities, during the—

11 (I) initial response in the United
12 States;

13 (II) response during the Trump
14 Administration; and

15 (III) ongoing response during the
16 Biden Administration;

17 (iii) communication of public health
18 and scientific information related to the
19 COVID–19 pandemic, including processes
20 for the development, approval, and dis-
21 semination of Federal public health and
22 other relevant public health or scientific
23 guidance; and

24 (iv) actions taken to support the de-
25 velopment, manufacturing, and distribution

1 of medical countermeasures and related
2 medical supplies to prevent, detect, and
3 treat COVID–19; and

4 (C) may include assessments relating to—

5 (i) the capacity and capabilities of
6 Federal, State, local, Tribal, and territorial
7 governments to respond to the COVID–19
8 pandemic;

9 (ii) the capacity and capabilities of
10 health care facilities and the health care
11 workforce to respond to the COVID–19
12 pandemic;

13 (iii) medical countermeasure research
14 and development and the supply chains of
15 medical products necessary to respond to
16 the COVID–19 pandemic;

17 (iv) international preparedness for
18 and response to COVID–19, and Federal
19 decision-making processes related to new
20 global health threats;

21 (v) containment and mitigation meas-
22 ures related to domestic and international
23 travel in response to COVID–19; and

24 (vi) the impact of the COVID–19 pan-
25 demic and related mitigation efforts on

1 hard-to-reach and at-risk or underserved
2 populations, including related health dis-
3 parities;

4 (2) identify, review, and evaluate the lessons
5 learned from the COVID–19 pandemic, including ac-
6 tivities to prepare for, and respond to, future poten-
7 tial pandemics and related public health emer-
8 gencies; and

9 (3) submit to the President and Congress such
10 reports as are required by this Act containing such
11 findings, conclusions, and recommendations as the
12 Task Force shall determine.

13 (e) POWERS OF TASK FORCE.—

14 (1) HEARINGS.—The Task Force may—

15 (A) hold such hearings and sit and act at
16 such times and places, take such testimony, re-
17 ceive such evidence as determined by the Chair
18 and Vice Chair, and administer such oaths as
19 the Task Force or a designated member, as de-
20 termined by the Chair or Vice Chair, may de-
21 termine advisable to be necessary to carry out
22 the functions of the Task Force; and

23 (B) subject to paragraph (2)(A), require,
24 by subpoena or otherwise, the attendance and
25 testimony of such witnesses and the production

1 of such books, records, correspondence, memo-
2 randa, papers, and documents, as the person
3 described in paragraph (2)(A)(i) may determine
4 advisable.

5 (2) SUBPOENAS.—

6 (A) ISSUANCE.—

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

9 (I) by the agreement of the Chair
10 and the Vice Chair; or

11 (II) by the affirmative vote of not
12 less than 9 members of the Task
13 Force.

14 (ii) SIGNATURE.—Subpoenas issued
15 under this subsection may be issued under
16 the signature of the Chair or any member
17 designated by a majority of the Task
18 Force, and may be served by any person
19 designated by the Chair or by a member
20 designated by agreement of the majority of
21 the Task Force.

22 (B) ENFORCEMENT.—In the case of contu-
23 macy or failure to obey a subpoena issued
24 under subsection, the United States district
25 court for the judicial district in which the sub-

1 poenaed person resides, is served, or may be
2 found, or where the subpoena is returnable,
3 may issue an order requiring such person to ap-
4 pear at any designated place to testify or to
5 produce documentary or other evidence. Any
6 failure to obey the order of the court may be
7 punished by the court as a contempt of that
8 court.

9 (3) CONTRACTING.—The Task Force may, to
10 such extent and in such amounts as are provided in
11 appropriation Acts, enter into contracts to enable
12 the Task Force to discharge its duties under this
13 Act.

14 (4) INFORMATION FROM FEDERAL AGENCIES.—

15 (A) IN GENERAL.—The Task Force may
16 access from any executive department, bureau,
17 agency, board, commission, office, independent
18 establishment, or instrumentality of the Federal
19 Government, such information, documents, sug-
20 gestions, estimates, and statistics as the Task
21 Force considers necessary to carry out this sec-
22 tion.

23 (B) PROVISION OF INFORMATION.—On
24 written request of the Chair, each department,
25 bureau, agency, board, commission, office, inde-

pendent establishment, or instrumentality shall, to the extent authorized by law, provide such information to the Task Force.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Task Force and its staff consistent with all applicable statutes, regulations, and executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—On request of the Chair and Vice Chair, the Administrator of the General Services Administration shall provide to the Task Force, on a reimbursable basis, administrative support and other assistance necessary for the Task Force to carry out its duties.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance provided for in subparagraph (A), departments and agencies of the United States may provide to the Task Force such assistance as such departments and agencies may determine advisable and as authorized by law.

1 (6) DONATIONS.—The Task Force may accept,
2 use, and dispose of gifts or donations of services or
3 property. Not later than 5 days after the acceptance
4 of a donation under this subsection, the Task Force
5 shall publicly disclose—

6 (A) the name of the entity that provided
7 such donation;

8 (B) the service or property provided
9 through such donation;

10 (C) the value of such donation; and

11 (D) how the Task Force plans to use such
12 donation.

13 (7) POSTAL SERVICES.—The Task Force may
14 use the United States mails in the same manner and
15 under the same conditions as a department or agen-
16 cy of the United States.

17 (f) APPLICABILITY OF FEDERAL ADVISORY COM-
18 MITTEE ACT.—

19 (1) IN GENERAL.—The Federal Advisory Com-
20 mittee Act (5 U.S.C. App.) shall apply to the Task
21 Force.

22 (2) PUBLIC MEETINGS AND RELEASE OF PUB-
23 LIC VERSIONS OF REPORTS.—The Task Force
24 shall—

1 (A) hold public hearings and meetings to
 2 the extent appropriate; and

3 (B) release public versions of the reports
 4 required under paragraphs (1) and (2) of sub-
 5 section (j).

6 (3) PUBLIC HEARINGS.—Any public hearings of
 7 the Task Force shall be conducted in a manner con-
 8 sistent with the protection of information provided
 9 to or developed for or by the Task Force as required
 10 by any applicable statute, regulation, or Executive
 11 order.

12 (g) STAFF OF TASK FORCE.—

13 (1) IN GENERAL.—

14 (A) APPOINTMENT AND COMPENSATION.—

15 The Chair of the Task Force, in agreement
 16 with the Vice Chair, in accordance with rules
 17 agreed upon by the Task Force, may appoint
 18 and fix the compensation of a staff director and
 19 such other personnel as may be necessary to en-
 20 able the Task Force to carry out its functions,
 21 without regard to the provisions of title 5,
 22 United States Code, governing appointments in
 23 the competitive service, and without regard to
 24 the provisions of chapter 51 and subchapter III
 25 of chapter 53 of such title relating to classifica-

tion 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 Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Task Force 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 TASK FORCE.—
Clause (i) shall not be construed to apply to members of the Task Force.

(2) DETAILEES.—Upon request of the Chair and Vice Chair of the Task Force, the head of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government employee may detail, without reimbursement, any of its personnel to the Task Force to assist in carrying out its duties under this section. Any such detailee shall be with-

1 out interruption or loss of civil service status or
2 privilege.

3 (3) CONSULTANT SERVICES.—The Task Force
4 is authorized to procure the services of experts and
5 consultants in accordance with section 3109 of title
6 5, United States Code, but at rates not to exceed the
7 daily rate paid a person occupying a position at level
8 IV of the Executive Schedule under section 5315 of
9 title 5, United States Code.

10 (h) COMPENSATION AND TRAVEL EXPENSES.—Each
11 member of the Task Force shall serve without compensa-
12 tion, but shall receive travel expenses, including per diem
13 in lieu of subsistence, at rates authorized for an employee
14 of an agency under subchapter I of chapter 57 of title
15 5, United States Code.

16 (i) SECURITY CLEARANCES FOR TASK FORCE MEM-
17 BERS AND STAFF.—The appropriate Federal agencies or
18 departments shall cooperate with the Task Force in expe-
19 ditiously providing to the Task Force members and staff
20 appropriate security clearances, consistent with existing
21 procedures and requirements. No person shall be provided
22 with access to classified information under this section
23 without the appropriate security clearances.

24 (j) REPORTS OF TASK FORCE; TERMINATION.—

1 (1) INTERIM REPORT.—Not later than 180
2 days after the date of enactment of this Act, the
3 Task Force shall submit to the President, the Com-
4 mittee on Health, Education, Labor, and Pensions
5 of the Senate, and the Committee on Energy and
6 Commerce of the House of Representatives an in-
7 terim report containing such findings, conclusions,
8 and recommendations as have been agreed to by not
9 less than 8 members of the Task Force. Such in-
10 terim report shall be made available online in a man-
11 ner that does not compromise national security.

12 (2) FINAL REPORT.—

13 (A) IN GENERAL.—Not later than 18
14 months after the date on which the last member
15 of the Task Force is appointed, the Task Force
16 shall submit to the President, the Committee on
17 Health, Education, Labor, and Pensions of the
18 Senate, and the Committee on Energy and
19 Commerce of the House of Representatives a
20 final report containing such findings, conclu-
21 sions, and recommendations as have been
22 agreed to by not less than 8 members of the
23 Task Force. The final report shall be made
24 available online in a manner that does not com-
25 promise national security.

1 (B) EXTENSIONS.—

2 (i) IN GENERAL.—The submission
3 and publication of the final report, as de-
4 scribed in subparagraph (A), may be de-
5 layed by 6 months upon the agreement of
6 not less than 8 members of the Task
7 Force.

8 (ii) NOTIFICATION.—The Task Force
9 shall notify the President, the Committee
10 on Health, Education, Labor, and Pen-
11 sions of the Senate, the Committee on En-
12 ergy and Commerce of the House of Rep-
13 resentatives, and the public of any exten-
14 sion granted under clause (i).

15 (C) SPECIAL RULES AND CONSIDER-
16 ATIONS.—

17 (i) RULE OF CONSTRUCTION.—Noth-
18 ing in this subsection shall be construed as
19 authorizing the Task Force to publicly dis-
20 close information otherwise prohibited from
21 disclosure by law.

22 (ii) SPECIAL TIMING CONSIDER-
23 ATIONS.—Notwithstanding any other pro-
24 vision of this section, the Task Force shall
25 not publish or make available any interim

1 or final report during the 60-day periods
2 ending November 5, 2024, and November
3 3, 2026.

4 (3) TERMINATION.—

5 (A) IN GENERAL.—The Task Force, and
6 all the authorities of this section, shall termi-
7 nate 60 days after the date on which the final
8 report is submitted under paragraph (2).

9 (B) ADMINISTRATIVE ACTIVITIES BEFORE
10 TERMINATION.—The Task Force may use the
11 60-day period referred to in subparagraph (A)
12 for the purpose of concluding its activities, in-
13 cluding providing testimony to committees of
14 Congress concerning its reports and dissemi-
15 nating the final report.

16 (k) FUNDING.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated such sums as
19 may be necessary to carry out this Act.

20 (2) DURATION OF AVAILABILITY.—Amounts
21 made available to the Task Force under paragraph
22 (1) shall remain available until the termination of
23 the Task Force.

○