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Proposals for a COVID-19 Congressional Advisory Commission in the 116th Congress: A Comparative Analysis

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SUMMARY

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Proposals for a COVID-19 Congressional Advisory Commission in the 116th Congress: A Comparative Analysis

Throughout U.S. history, Congress has created advisory commissions to assist in the development of public policy. Among other contexts, commissions have been used following crisis situations, including the September 11, 2001, terrorist attacks and the 2008 financial crisis. In such situations, advisory commissions may potentially provide Congress with a high-visibility forum to assemble expertise that might not exist within the legislative environment; allow for the in-depth examination of complex, cross-cutting policy issues; and lend bipartisan credibility to a set of findings and recommendations. Others may determine that the creation of an advisory commission is unnecessary and instead prefer to utilize existing congressional oversight structures, such as standing or select committees.

This report provides a comparative analysis of eight congressional advisory commissions proposed in the 116th Congress that would have investigated various aspects of the COVID-19 outbreak, governmental responses, governmental pandemic preparedness, and the virus's impact on the U.S. economy and society. Each proposed commission's structure would have been similar in many respects, both to each other and to previous independent congressional advisory commissions. Specifically, the proposed commissions would have (1) existed temporarily; (2) served in an advisory capacity; and (3) reported a work product detailing the commission's findings, conclusions, and recommendations. Many of the proposed commissions also would have had unique elements, particularly concerning membership structure, appointment structure, and reporting deadlines.

Specifically, this report compares and discusses the (1) membership structure, (2) appointment structure, (3) rules of procedure and operation, (4) duties and reporting requirements, (5) commission powers, (6) staffing, and (7) funding of the eight proposed commission structures. The eight proposals were

- H.R. 6429 (the National Commission on COVID-19 Act),
- H.R. 6431 (the Made in America Emergency Preparedness Act),
- H.R. 6440 (the Pandemic Rapid Response Act),
- H.R. 6455 (the COVID-19 Commission Act),
- H.R. 6548 (the National Commission on the COVID-19 Pandemic in the United States Act),
- H.R. 8358 (the National Coronavirus Commission Act),
- S. 4132 (the National Commission on the COVID-19 Pandemic in the United States Act), and
- S. 4666 (the National Coronavirus Commission Act).

None of these proposals advanced beyond introduction and committee referral in the House or the Senate in the 116th Congress.

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Introduction

Throughout U.S. history, Congress has created advisory commissions to assist in the development of public policy. Among other contexts, commissions have been used following crisis situations, including the September 11, 2001, terrorist attacks[1] and the 2008 financial crisis.[2] In such situations, advisory commissions may potentially provide Congress with a high-visibility forum to assemble expertise that might not exist within the legislative environment; allow for the in-depth examination of complex, cross-cutting policy issues; and lend bipartisan credibility to a set of findings and recommendations.

As Congress considers its range of responses to the coronavirus pandemic, the creation of one or more congressional advisory commissions is an option that could provide a platform for evaluating various pandemic-related policy issues over time. Past congressional advisory commissions have retrospectively evaluated policy responses, brought together diverse groups of experts, and supplemented existing congressional oversight mechanisms. Policymakers may determine that creating an advisory commission is unnecessary and instead prefer to utilize existing congressional oversight structures, such as standing or select committees,[3] or already established oversight entities.[4]

This report provides a comparative analysis of eight proposed congressional advisory commissions introduced in the 116th Congress (2019-2020) that would have investigated various aspects of the COVID-19 pandemic.[5] The eight proposed commissions were found in

- H.R. 6429 (the National Commission on COVID-19 Act, sponsored by Representative Stephanie Murphy),6
- H.R. 6431 (the Made in America Emergency Preparedness Act, sponsored by Representative Brian Fitzpatrick),[7]

[1] The National Commission on Terrorist Attacks Upon the United States (P.L. 107-306, §601, 116 Stat. 2408, November 27, 2002).

[2] Financial Crisis Inquiry Commission (P.L. 111-21, §5, 123 Stat. 1624, May 20, 2009).

[3] For example, H.Res. 935 (116th Congress), agreed to April 23, 2020, established a Select Subcommittee on the Coronavirus Crisis as a select investigative subcommittee of the House Committee on Oversight and Reform.

[4] The CARES Act (P.L. 116-136) created several oversight entities for the implementation of the law. These include the Pandemic Response Accountability Committee and the Congressional Oversight Commission. For more information on these, and other COVID-19 oversight entities, see CRS Insight IN11343, *The Pandemic Response Accountability Committee: Organization and Duties*, by Ben Wilhelm; CRS Insight IN11363, *Congressional Oversight Provisions in the Paycheck Protection Program and Health Care Enhancement Act*, by Ben Wilhelm; CRS Report R46315, *Congressional Oversight Provisions in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136)*, by Ben Wilhelm and William T. Egar; and CRS Insight IN11304, *COVID-19 Congressional Oversight Commission (COC)*, by Jacob R. Straus and William T. Egar.

[5] For general information on congressional advisory commissions, please see CRS Report R40076, *Congressional Commissions: Overview and Considerations for Congress*, by Jacob R. Straus and William T. Egar.

[6] H.R. 6429 (116th Congress), introduced April 3, 2020. Rep. Stephanie Murphy, "Murphy, Katko Introduce Bipartisan Bill to Establish 9/11 Style Commission on U.S. Pandemic Preparedness and Response," press release, April 3, 2020, https://murphy.house.gov/news/documentsingle.aspx?DocumentID=1297. For bill text, see "National Commission on COVID-19 Act," at https://murphy.house.gov/uploadedfiles/national_commission_on_covid_19_act.pdf.

[7] H.R. 6431 (116th Congress), introduced April 3, 2020. Rep. Brian Fitzpatrick, "Fitzpatrick Introduces Bipartisan Bill to Prepare for Future National Emergencies," press release, April 7, 2020, at https://fitzpatrick.house.gov/media-center/in-the-news/fitzpatrick-introduces-bipartisan-bill-prepare-future-national-emergencies.

- H.R. 6440 (the Pandemic Rapid Response Act, sponsored by Representative Rodney Davis),[8]
- H.R. 6455 (the COVID-19 Commission Act, sponsored by Representative Bennie Thompson),[9]
- H.R. 6548 (the National Commission on the COVID-19 Pandemic in the United States Act, sponsored by Representative Adam Schiff),[10]
- H.R. 8358 (the National Coronavirus Commission Act, sponsored by Representative Tom Malinowski),[11]
- S. 4132 (the National Commission on the COVID-19 Pandemic in the United States Act, sponsored by Senator Dianne Feinstein),[12] and
- S. 4666 (the National Coronavirus Commission Act, sponsored by Senator Robert Menendez).[13]

Additionally, Members introduced legislation that would have created other COVID-related commissions, but none would have had a mandate to broadly evaluate the coronavirus response in the style of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). These other proposed commissions would have identified regulations that might be hindering the government's response to COVID-19,[14] ensured data equity in the COVID-19

[8] H.R. 6440 (116th Congress), introduced April 3, 2020. Rep. Rodney Davis, "Davis Introduces Bipartisan Pandemic Rapid Response Act," press release, April 3, 2020, at https://rodneydavis.house.gov/news/documentsingle.aspx?DocumentID=403644.

[9] H.R. 6455 (116th Congress), introduced April 3, 2020. U.S. Congress, House, Committee on Homeland Security, "Chairman Thompson and Committee Democrats to Introduce Coronavirus Commission Legislation," press release, April 1, 2020, at https://homeland.house.gov/news/legislation/chairman-thompson-and-committee-democrats-to-introduce-coronavirus-commission-legislation.

[10] H.R. 6548 (116th Congress), introduced April 17, 2020. Rep. Adam Schiff, "Schiff Calls for 9/11-Style Commission to Examine Coronavirus Response and Begins Circulating Draft Bill," press release, April 3, 2020, at https://schiff.house.gov/news/press-releases/schiff-calls-for-9/11-style-commission-to-examine-coronavirus-response-and-begins-circulating-draft-bill. Sens. Dianne Feinstein and Kamala Harris have both announced that they will be cosponsoring companion legislation in the Senate. For more information, see Sen. Dianne Feinstein, "Senate Dems to Introduce Bill Establishing 9/11-Style Coronavirus Commission," press release, April 10, 2020, at https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=8FFEB75D-F6BB-4138-BD68-2B5629335340; and Sen. Kamala Harris, "Harris, Senate Dems to Introduce Bill Establishing 9/11-Style Coronavirus Commission," press release, April 10, 2020, at https://www.harris.senate.gov/news/press-releases/harris-senate-dems-to-introduce-bill-establishing-9/11-style-coronavirus-commission_-.

[11] H.R. 8358 (116th Congress), introduced September 23, 2020. Rep. Tom Malinowski, "Representative Malinowski Introduced Bipartisan Bill to Create Independent, 9/11-Style Commission to Assess, Improve Upon COVID-19 Response," press release, September 23, 2020, at https://malinowski.house.gov/media/press-releases/representative-malinowski-introduces-bipartisan-bill-create-independent-911.

[12] S. 4132 (116th Congress), introduced July 1, 2020. Sen. Dianne Feinstein, "Feinstein, Klobuchar, Casey Introduce Bill to Establish 9/11-Style Coronavirus Commission," press release, July 1, 2020, at https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=B7074E21-0560-4270-BA6D-21AE13395083.

[13] S. 4666 (116th Congress), introduced September 23, 2020. Sen. Bob Menendez, "Menendez, Collins Bill Would Create Independent, 9/11-Style Commission to Assess, Improve upon COVID-19 Response," press release, September 23, 2020, at https://www.menendez.senate.gov/newsroom/press/menendez-collins-bill-would-create-independent-9/11-style-commission-to-assess-improve-upon-covid-19-response.

[14] H.R. 7929 (116th Congress), introduced August 4, 2020; H.R. 8038 (116th Congress), introduced August 14, 2020; and S. 4708 (116th Congress), introduced September 24, 2020.

response,[15] and opened the economy.[16] Because they would not have studied the COVID-19 response broadly, these commissions are not included in this report.

The overall structures of the eight proposed commissions were similar in many respects, both to each other and to previous independent advisory entities established by Congress.[17] Specifically, the proposed commissions would have (1) existed temporarily; (2) served in an advisory capacity; and (3) reported a work product detailing the commission's findings, conclusions, and recommendations. Many of the proposed commissions also had distinctive elements, particularly concerning membership structure, appointment structure, and time line for reporting their work products to Congress.

This report compares the (1) membership structure, (2) appointment structure, (3) rules of procedure and operation, (4) duties and reporting requirements, (5) powers of the commission, (6) staffing issues, and (7) funding for each of the COVID-19 commissions proposed in the 116th Congress. **Table 1**, at the end of this report, provides a side-by-side comparison of major provisions of the eight proposals.

Membership Structure

Several matters related to a commission's membership structure might be considered. They include commission size, member qualifications, commission member compensation, and requirements for partisan balance.

Size of Commission

In general, there is significant variation in the size of congressional advisory commissions. Among 161 identified congressional commissions created between the 101st Congress and the 116th Congress, the median size was 12 members, with the smallest commission having 5 members and the largest 33 members.[18]

The membership structure of each of the eight proposed commissions would have been similar to previous independent advisory entities created by Congress. H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have created a 10-member entity.[19] H.R. 6455 would have created a 25-member entity.[20]

[15] H.R. 6585 (116th Congress), introduced April 21, 2020.

[16] S. 3699 (116th Congress), introduced May 12, 2020.

[17] Two potential analogous entities are the Commission on Wartime Contracting in Iraq and Afghanistan (P.L. 110-181, §841, 122 Stat. 230, January 28, 2008) and the National Commission on Terrorist Attacks Upon the United States (P.L. 107-306, §601, 116 Stat. 2408, November 27, 2002).

[18] A database search of a variety of relevant terms was conducted using Congress.gov for the 101st through 116th Congresses (1989-2020) to capture all congressional commissions enacted into law. The universe of data included all temporary multimember independent entities that (1) existed temporarily, (2) were statutorily created, (3) served in an advisory capacity, (4) were appointed in part or whole by Members of Congress, and (5) reported to Congress. For more information, see CRS Report R45328, *Designing Congressional Commissions: Background and Considerations for Congress*, by William T. Egar.

[19] H.R. 6429, §4(a); H.R. 6431, §203(a); H.R. 6440, §3(a); H.R. 6548, §2(c); H.R. 8358, §4(a); S. 4132, §2(c); S. 4666, §4(a).

[20] H.R. 6455, §2(c).

Qualifications

Past legislation creating congressional commissions has often required or suggested that commission members possess certain substantive qualifications.[21] Such provisions arguably make it more likely that the commission is populated with genuine policy experts, which may improve the commission's final work product.[22]

H.R. 6455 would have provided that commissioners "shall be a United States person with significant expertise" in a variety of fields related to public health and public administration.[23] H.R. 6440, H.R. 6429, H.R. 6431, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have included a "Sense of Congress" that commission members should be "prominent U.S. citizens" who are nationally recognized experts in a variety of fields relevant to the pandemic and response efforts.[24] In addition, H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6548, and S. 4132 would have prohibited the appointment of federal, state, and local government employees and officers.[25] H.R. 6455 would have prohibited federal employees from being commission members.[26] H.R. 8358 and S. 4666 would have prohibited federal, state, local, tribal, and territorial government employees from being commission members.[27]

Compensation of Commission Members

Some congressional commissions have compensated their members. For example, the 9/11 Commission and the Financial Crisis Inquiry Commission provided that commission members could be compensated at a daily rate of basic pay.[28] Nearly all have reimbursed members for travel expenses. Those that have provided for commissioner compensation most frequently provided compensation at the daily equivalent of level IV of the Executive Schedule.[29]

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[21] For example, statutory language may require the appointing official to select members who are specifically qualified by virtue of their education, knowledge, training, experience, expertise, distinguished service, or recognized eminence in a particular field or fields. For example, legislation establishing the United States Commission on North American Energy Freedom (P.L. 109-58, §1423, 119 Stat. 1064, August 8, 2005) prescribes that nominees for the commission must be "knowledgeable on energy issues, including oil and gas exploration and production, crude oil refining, oil and gas pipelines, electricity production and transmission, coal, unconventional hydrocarbon resources, fuel cells, motor vehicle power systems, nuclear energy, renewable energy, biofuels, energy efficiency, and energy conservation."

[22] In some instances, statutes establishing commissions have either provided for, or prohibited, the service of Members of Congress on commissions. Inclusion of legislators on such panels may help to ensure that Congress will be able to exercise a certain degree of control over commission operations or outcomes. At the same time, commission service by Members is arguably antithetical to two of the rationales for creating a commission in the first place: to reduce the workload of Congress by delegating certain functions to temporary bodies and to produce independent advice.

[23] H.R. 6455, §2(c)(2)(A) and §2(c)(2)(D).

[24] H.R. 6429, §4(b)(3); H.R. 6431, §203(b); H.R. 6440, §3(b)(3); H.R. 6548, §2(c)(2)(C), H.R. 8358, §4(b)(4)(B); S. 4132, §2(c)(2)(C); S. 4666, §4(b)(4)(B).

[25] H.R. 6429, §4(b)(2); H.R. 6431, §203(b); H.R. 6440, §3(b)(2); H.R. 6548, §2(c)(2)(B); S. 4132, §2(c)(2)(B).

[26] H.R. 6455, §2(c)(2)(D).

[27] H.R. 8358, §4(b)(2); S. 4666, §4(b)(2).

[28] P.L. 107-306, §608(a), 116 Stat. 2412, November 27, 2002; P.L. 111-21, §5(f), 123 Stat. 1629, May 20, 2009.

[29] An analysis of congressional advisory bodies created since the 101st Congress indicates that approximately two-thirds did not compensate their members, except to reimburse members for expenses directly related to their service, such as travel costs. Among those that did compensate their members, most provided that the level of compensation would be the daily equivalent of level IV of the Executive Schedule.

For 2020, level IV of the Executive Schedule was $170,800. For 2021, level IV of the Executive Schedule is $172,500. For more information, see U.S. Office of Personal Management, "Salary Table No. 2020-EX," at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/EX.pdf; and "Salary Table

Each of the eight proposals would have provided that commission members be compensated at a rate "not to exceed the daily equivalent of the annual rate of basic pay" for level IV of the Executive Schedule, "for each day during which that member is engaged in the actual performance of duties of the Commission."[30] Members of six proposed commissions would have received travel expenses, including a per diem.[31]

Partisan Limitations

Each proposal provided a limit on the number of members appointed from the same political party. H.R. 6455 would have provided that not more than 13 of its 25 members may be from the same party.[32] H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have provided that not more than 5 (of 10) members are from the same party.[33]

Most previous advisory entities created by Congress did not impose formal partisan membership restrictions.[34] In general, it may be difficult to assess the political affiliation of potential members, especially if they do not have a registered affiliation with a political party. Instead of relying on partisan voter registration, most past advisory commissions attempted to achieve partisan balance through the appointment structure; for instance, by providing equal (or near-equal) numbers of appointments to congressional leaders of each party.

Appointment Structure

Past congressional commissions have used a wide variety of appointment structures. Appointment structure considerations have included partisan balance, how to fill vacancies, and the time line for making appointments.

Some commission statutes may directly designate members of the commission, such as a specific Cabinet official or a congressional leader. In most cases, selected congressional leaders, often with balance between the parties, appoint commission members. A third common statutory scheme is to have selected leaders, such as committee chairs and ranking members, recommend candidates to congressional leaders for appointment to a commission or make appointments themselves. The appointers may act either in parallel or jointly, and when recommendations are required they have been made to congressional leaders, such as the Speaker of the House and President pro tempore of the Senate, or to the President.

No. 2021-EX," at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/exec/html/EX.aspx.

[30] H.R. 6429, §4(g); H.R. 6431, §208(a); H.R. 6440, §3(d); H.R. 6455, §2(j); H.R. 6548, §2(h)(1), H.R. 8358, §10(a); S. 4132, §2(h)(1); S. 4666, §10(a).

[31] H.R. 6429, §4(h); H.R. 6431, §208(b); H.R. 6455, §2(j); H.R. 6548, §2(h)(2), H.R. 8358, §10(b); S. 4132, §2(h)(2); S. 4666, §10(b).

[32] H.R. 6455, §2(c)(2)(B).

[33] H.R. 6429, §4(b)(1); H.R. 6431, §203(b)(1); H.R. 6440, §3(b)(1); H.R. 6548, §2(c)(2)(A), H.R. 8358, §4(b)(1); S. 4132, §2(c)(2)(A); S. 4666, §4(b)(1).

[34] The use of formal partisan membership structures is somewhat more common in executive branch regulatory commissions. For example, the statute establishing the Federal Election Commission (FEC)—an executive branch agency, not an advisory commission—requires that no more than three commissioners may be affiliated with the same political party (52 U.S.C. §30106(a)(1)). For more information on the Federal Election Commission and the partisan balance provision, see CRS Report R45160, *Federal Election Commission: Membership and Policymaking Quorum, In Brief*, by R. Sam Garrett.

Each of the eight commission proposals would have delegated most or all appointment authority to congressional leaders (including chamber, party, and committee leaders; see **Table 1** for details). Additionally, seven proposals—H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6548, H.R. 8358, S. 4132, and S. 4666—would have provided for one presidential appointment.[35] H.R. 6429, H.R. 6431, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have had the President appoint the commission's chair.[36] H.R. 6455's membership would have been appointed by the chairs and ranking members of designated House and Senate committees and the Joint Economic Committee.[37] H.R. 6455 would not have provided for any executive branch appointments.[38]

In general, a commission's appointment scheme can affect both the commission's ability to fulfill its statutory duties and its final work product. For instance, if the commission's statute only provides for the appointment of Members of Congress, it arguably might not have the technical expertise or diversity of knowledge to complete its duties within the time given by statute. Similarly, if the appointment scheme includes qualifying provisos so specific that only a small set of private citizens could serve on the panel, the commission's final work product may arguably only represent a narrow range of viewpoints. None of the proposed COVID-19 commissions specified whether Members of Congress might serve on the commission, although each would have prohibited the appointment of federal officers or employees.[39]

Partisan Balance in Appointment Authority

Most previous congressional advisory commissions have been structured to be bipartisan, with the congressional leaders of the two major parties appointing an even (or near-even) number of members. By attempting to achieve a nonpartisan or bipartisan character, congressional commissions may make their findings and recommendations more politically acceptable to diverse viewpoints. The bipartisan or nonpartisan arrangement can give recommendations strong credibility, both in Congress and among the public, even when dealing with divisive public policy issues. Similarly, commission recommendations that are perceived as partisan may have difficulty gaining support in Congress.

In some cases, however, bipartisanship also can arguably impede a commission's ability to complete its mandate. In situations where a commission is tasked with studying divisive or partisan issues, the appointment of an equal number of majority and minority commissioners may serve to promote partisanship within the commission rather than suppress it, raising the possibility of deadlock where neither side can muster a majority to act.

Each of the eight proposals would have employed an appointment structure where leaders in both the congressional majority and minority parties would have made appointments. H.R. 6429, H.R.

[35] H.R. 6429, §4(a); H.R. 6431, §203(a); H.R. 6440, §3(a); H.R. 6548, §2(c)(1); H.R. 8358, §4(a); S. 4132, §2(c)(1); S. 4666, §4(a).

[36] H.R. 6429, §4(a); H.R. 6431, §208(a); H.R. 6548, §2(c)(1); H.R. 8358, §4(a) S. 4132, §2(c)(1); S. 4666, §4(a).

[37] H.R. 6455, §2(c)(1). The committees that would have had appointments to the proposed commissions would have been the House Committee on Oversight and Reform, the House Committee on Homeland Security, the House Permanent Select Committee on Intelligence, the House Committee on Energy and Commerce, the House Committee on Foreign Affairs, the House Committee on Transportation and Infrastructure, the House Committee on Education and Labor, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Commerce, Science, and Transportation, the Senate Select Committee on Intelligence, the Senate Committee on Health, Education, Labor, and Pensions, the Senate Committee on Foreign Relations, and the Joint Economic Committee.

[38] H.R. 6455, §2(c)(1).

[39] H.R. 6429, §4(b); H.R. 6431, §203(b); H.R. 6440, §3(b); H.R. 6455, §2(c)(2)(A); H.R. 6548, §2(c)(2); H.R. 8358, §4(b)(2)(B); S. 4132, §2(c)(2); S. 4666, §4(b)(2)(B).

6431, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have provided for five majority and five minority appointments, including one for the President.[40] H.R. 6440 would have included two appointments each by the Senate majority leader, the Senate minority leader, and the Speaker of the House, with one appointment by the House minority leader and one by the President; the chair would have been appointed by the Speaker and the vice chair would have been appointed by the Senate majority leader.[41] H.R. 6455 would have had 12 majority and 12 minority appointments made by the 12 committee chairs and ranking members of specified committees, and one member would have been jointly appointed by the chair and vice chair of the Joint Economic Committee.[42]

Vacancies

All eight proposals would have provided that vacancies on the commission would not affect its powers and would have been filled in the same manner as the original appointment.

Deadline for Appointments

Four of the bills proposed specific deadlines for the appointment of commissioners. H.R. 6429, H.R. 6548, and S. 4132 would have required that appointments were made between specific dates in January or February 2021. Further, H.R. 6429 would have provided that commission members could have been appointed in September 2020, if there was no longer a COVID-19 public health emergency in effect—as determined by the Secretary of Health and Human Services—as of August 31, 2020. H.R. 6440 would have required all appointments to be made by December 15, 2020. H.R. 6455 would have required appointments to be made within 45 days of enactment. H.R. 8358 and S. 4666 would have required appointments to have been made within 30 days "after the date of the expiration of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. §247d) on January 31, 2020, with respect to COVID-19, and not earlier than such date of expiration." H.R. 6429, H.R. 6440, and H.R. 6548 would have started the commission's work in early 2021. H.R. 6429, however, would have provided that the proposed commission's work would have begun no later than October 31, 2020, if members had been appointed in September 2020. H.R. 6431 did not specify an appointment deadline.

Typically, deadlines for appointment can range from several weeks to several months after enactment. For example, the deadline for appointments to the Antitrust Modernization Commission was 60 days after the enactment of its establishing act. The deadline for appointment to the Commission on Wartime Contracting in Iraq and Afghanistan was 120 days from the date of enactment. The deadline for appointment to the 9/11 Commission was December 15, 2002, 18 days after enactment of the act.

Rules of Procedure and Operations

While most congressional advisory commission statutes do not provide detailed procedures for how the commission should conduct its business, the statutory language may provide a general structure, including a mechanism for selecting a chair and procedures for creating rules. None of the eight COVID-19 commission proposals contained language that would have directed the

[40] H.R. 6429, §4(a); H.R. 6431, §203(a); H.R. 6548, §2(c)(1); H.R. 8358, §4(a); S. 4132, §2(c); S. 4666, §4(a).

[41] H.R. 6440, §3(a).

[42] H.R. 6455, §2(c)(1).

process for potentially adopting rules of procedure. For a comparison of each proposed commission's specified rules of procedures and operations, see **Table 1**.

Chair Selection

Each bill would have provided for the selection of a chair and/or vice chair of the commission. H.R. 6429, H.R. 6431, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have had the chair appointed by the President and the vice chair appointed by congressional leaders of the political party opposite the President.[43] H.R. 6440 would have had the chair appointed by the Speaker of the House (in consultation with the Senate majority leader and the House minority leader) and the vice chair appointed by the Senate majority leader (in consultation with the Speaker of the House and the Senate minority leader).[44] H.R. 6455 would have had the chair and vice chair chosen from among commission members by a majority vote of the commission, and would have required the chair and vice chair to have "significant experience" in areas to be studied by the commission.[45]

Initial Meeting Deadline

As with the timing of commission appointments, some authorizing statutes are prescriptive in when the commission's first meeting should take place. Three of the bills would have provided specific time lines for the commission's first meeting. H.R. 6429 would have required the first meeting to be no later than March 15, 2021, unless members had been appointed in September 2020 (if no public health emergency existed).[46] H.R. 6455, H.R. 8358, and S. 4666 would have required the first meeting within 45 days after the appointment of all commission members.[47] H.R. 6548, H.R. 6431, H.R. 6440, and S. 4132 would have directed the commission to hold its initial meeting "as soon as practicable,"[48] but H.R. 6548 would have also required that the first meeting not occur later than March 5, 2021.[49] H.R. 6431 and H.R. 6440 did not provide for an initial meeting deadline. Instead, they would have directed the commission to meet "as soon as practicable."

Quorum

Most commission statutes define a quorum for commission business. Usually, this is defined as a majority of commission members, but occasionally the statute requires a supermajority. All eight bills would have established a quorum requirement. H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have defined a quorum as 6 (of 10) members.[50] H.R. 6455 would have required that a quorum was 18 of 25 members (72%).[51]

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[43] H.R. 6429, §4(a)(1)-(2); H.R. 6431, §203(a)(1)-(2); H.R. 6548, §2(c)(1)(A)-(B); H.R. 8358, §4(a); S. 4132, §2(c); S. 4666, §4(a).

[44] H.R. 6440, §3(a)(1)-(2).

[45] H.R. 6455, §2(d).

[46] H.R. 6429, §4(e).

[47] H.R. 6455, §2(e); H.R. 6431, §203(b)(4); H.R. 6440, §3(b)(5); H.R. 8358, §4(c)(1); S. 4666, §4(c)(1).

[48] H.R. 6548, §2(c)(2)(E); S. 4132, §2(c)(2)(E).

[49] H.R. 6548, §2(c)(2)(E).

[50] H.R. 6429, §4(f); H.R. 6431, §203(c); H.R. 6440, §3(c); H.R. 6548, §2(c)(3); H.R. 8358, §4(c)(3); S. 4132, §2(j); S. 4666, §4(c)(3).

[51] H.R. 6455, §2(f).

Public Access

All eight commission bills would have required commission meetings to be open to the public.[52] Each bill would also have required that reports were made publicly available.[53]

Formulating Other Rules of Procedure and Operations

Absent statutory guidance (either in general law or in the commission's authorizing legislation), advisory commissions have varied widely in how they adopt their rules of procedure. In general, three models exist: formal written rules,[54] informal rules,[55] and the reliance on norms.[56] Any individual advisory entity might make use of all three of these models for different types of decisionmaking.

The choice to adopt written rules or rely on informal norms to guide commission procedure may be based on a variety of factors, such as the entity's size, the frequency of meetings, member preferences regarding formality, the level of collegiality among members, the commission's duration, and the amount of procedural guidance provided by the entity's authorizing statute. Regardless of how procedural issues are handled, protocol for decisionmaking regarding several operational issues may be important for the commission to consider at the outset of its existence. These include proxy rules; staff hiring, compensation, and work assignments; hearings, meetings, and field visits; nonstaff expenditures and contracting; reports to Congress; budgeting; and procedures for future rules modification. None of the eight COVID-19 commission proposals would have specified that the proposed commissions would be required to adopt written rules.

[52] H.R. 6429, §6(b)(1); H.R. 6431, §206(b)(1); H.R. 6440, §5(d)(1); H.R. 6455, §2(h); H.R. 6548, §2(f)(2)(A) and §2(f)(3); H.R. 8358, §7(b)(1); S. 4132, §2(f)(2)(A); S. 4666, §7(b)(1).

[53] H.R. 6429, §6(b)(2); H.R. 6431, §206(b)(2); H.R. 6440, §5(d)(2); H.R. 6455, §2(h); H.R. 6548, §2(f)(2)(B); H.R. 8358, §7(b)(2); S. 4132, §2(f)(2)(B); S. 4666, §7(b)(2).

[54] Some advisory entities choose to formalize their procedures for meetings and hearings. For example, the United States-China Economic and Security Review Commission (P.L. 106-398, §1238, 114 Stat. 1654A-334, October 30, 2000) established written rules of procedure for the conduct of both meetings of the commission and hearings held by the commission. The rules include procedures for the selection of chairs, proxy use, budgeting, expenditures of money, hiring and firing of staff, commissioner ethics, and periodic revision of the rules. For more information, see United States-China Economic and Security Review Commission, *Commission Rules*, adopted June 6, 2003.

[55] Some advisory entities adopt a set of processes for establishing rules piecemeal as the need arises. For example, the National Surface Transportation Policy and Revenue Commission (P.L. 109-59, §1909(b), 119 Stat. 1471, August 10, 2005) did not establish formal written rules of procedure. However, the members of the commission did take occasional votes to clarify a particular meeting's procedures. For example, at the first meeting of the commission, members voted by simple majority as to whether future votes of commission members could be conducted by proxy. Information on the National Surface Transportation Policy and Revenue Commission rules comes from an interview conducted by Matthew E. Glassman, former CRS analyst, with Susan Binder, former executive director, National Surface Transportation Policy and Revenue Commission on July 10, 2008.

[56] Many advisory entities choose not to create formal rules for commission meetings or hearings. Instead, they rely on a collegial relationship between members and staff, and conduct the meetings in a procedurally flexible manner. In some cases, deference to the wishes of the chair is followed for procedural matters. For instance, the Congressional-Executive Commission on China reportedly does not operate within a system of formal rules of procedure. Commission members make collective agreements about operational issues such as the recording of minutes or voting procedure, but these agreements are created and enforced by collective norms and collegial interactions, not formal action or votes. Information on the Congressional-Executive Commission on China's procedures comes from an interview conducted by Matthew E. Glassman, former CRS analyst, with Douglas Grob, staff director, July 10, 2008.

FACA Applicability

The Federal Advisory Committee Act (FACA) mandates certain structural and operational requirements, including formal reporting and oversight procedures, for certain federal advisory bodies that advise the executive branch.[57] Six proposed commissions (H.R. 6429, H.R. 6431, H.R. 6548, H.R. 8358, S. 4132, and S. 4666) would have specifically exempted the proposed commission from FACA.[58] Of the remaining two, FACA would also likely not have applied to the commission proposed in H.R. 6455 because its membership would have been appointed entirely by Members of Congress, although the language would have only required that its final report was public, not whether it would have been specifically sent to Congress and/or the President.[59] For the commission proposed by H.R. 6440, it is not clear that FACA would have applied. Although H.R. 6440 would have included a presidential appointment and its report would have been sent to both Congress and the President,[60] its establishment clause would have specified that the commission "is established in the legislative branch,"[61] and that Congress would have appointed a super-majority of its members.[62]

Duties and Reporting Requirements

Most congressional commissions are generally considered policy commissions—temporary bodies that study particular policy problems and report their findings to Congress or review a specific event.[63]

General Duties

All eight of the proposed commissions would have been tasked with duties that are analogous to past policy commissions. While the specific mandates would have differed somewhat, all eight proposed commissions would have been tasked with investigating aspects of the COVID-19 pandemic and submitting one or more reports that included the commission's findings, conclusions, and recommendations for legislative action.[64] Further, H.R. 6440 would have specifically required the commission to avoid unnecessary duplication of work that might be done by the Government Accountability Office (GAO), congressional committees, and executive branch agency and independent commission investigations.[65]

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[57] For more information about the Federal Advisory Committee Act (FACA), see CRS Report R44232, *Creating a Federal Advisory Committee in the Executive Branch*, by Meghan M. Stuessy.

[58] H.R. 6429, §6(a); H.R. 6431, §206(a); H.R. 6548, §2(f)(1); H.R. 8358, §7; S. 4132, §2(f)(1); S. 4666, §7.

[59] H.R. 6455, §2(b)(4).

[60] H.R. 6440, §3(a) and H.R. 6440, §7.

[61] H.R. 6440, §2.

[62] H.R. 6440, §3(a).

[63] For more information on policy commissions, see CRS Report R40076, *Congressional Commissions: Overview and Considerations for Congress*, by Jacob R. Straus and William T. Egar. Other commissions are commemorative commissions—entities established to commemorate a person or event, often to mark an anniversary. For more information on commemorative commission, see CRS Report R41425, *Commemorative Commissions: Overview, Structure, and Funding*, by Jacob R. Straus.

[64] H.R. 6429, §3; H.R. 6440, §4; H.R. 6455, §2(b); H.R. 6548, §2(d).

[65] H.R. 6440, §4(b).

Reports

Each proposed commission would have been tasked with issuing a final report detailing its findings, conclusions, and recommendations.[66] H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have specified that the commission "may submit" interim reports to Congress and the President, but would not have provided time lines on when interim reports might be submitted. In each case, a majority of commission members would have had to agree to the interim report.[67] H.R. 6431 would have also required the commission to submit a report on actions taken by the states[68] and a report on essential products, materials, ingredients, and equipment required to fight pandemics.[69]

H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6548. H.R. 8358, S. 4132, and S. 4666 also would have specified that the commission's final report would have needed to be agreed to by a majority of commission members.[70] H.R. 6455 did not specify a vote threshold for approval of its report.[71]

None of the bills would have specifically required the inclusion of minority viewpoints in the final report. Presumably, this would have left each commission with discretion on whether to include or exclude minority viewpoints. Past advisory entities have been proposed or established with a variety of statutory reporting conditions, including the specification of majority[72] or super-majority rules for report adoption[73] and provisions requiring the inclusion of minority viewpoints.[74] In practice, advisory bodies that are not given statutory direction on these matters have tended to work under simple-majority rules for report adoption.

Report Deadlines

H.R. 6429 would have required a final report one year after the commission's initial meeting.[75] H.R. 6431 and H.R. 6440 would have required a final report not later than 18 months after enactment.[76] H.R. 6455 would have required a final report to be published not later than 18 months after the commission's first meeting.[77] S. 4132 would have required a final report by August 21, 2022.[78]

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[66] H.R. 6429, §9; H.R. 6440, §7; H.R. 6455, §2(b)(4); H.R. 6548, §2(j).

[67] H.R. 6429, §9(a); H.R. 6431, §210(a); H.R. 6440, §7(a)(1); H.R. 6548, §2(j)(1); H.R. 8358, §12(a); S. 4132, §2(j)(1); S. 4666, §12(a).

[68] H.R. 6431, §210(d).

[69] H.R. 6431, §210(c).

[70] H.R. 6429, §9(b); H.R. 6431, §210(b); H.R. 6440, §7(a)(2); H.R. 6548, §2(j)(2); H.R. 8358, §12(b); S. 4132, §2(j)(2); S. 4666, §12(b).

[71] H.R. 6455, §2(b)(4).

[72] For example, see National Commission on the Cost of Higher Education (P.L. 105-18, §40002, 111 Stat. 207, June 12, 1997) and Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (P.L. 110-53, §1851, 121 Stat. 501, August 3, 2007).

[73] For example, see the proposed Bipartisan Task Force for Responsible Fiscal Action, S. 2063 (110th Congress), which would require a three-fourths approval of the commission for the adoption of the final report.

[74] For example, see Human Spaceflight Independent Investigation Commission (P.L. 109-155, §821, 119 Stat. 2941, December 30, 2005).

[75] H.R. 6429, §9(b).

[76] H.R. 6431, §210(b); H.R. 6440, §7(a)(2).

[77] H.R. 6455, §2(b)(4).

[78] S. 4132, §2(j)(1).

H.R. 6548 would have required a final report by October 15, 2021,[79] and H.R. 8358 and S. 4666 would have required a final report within 18 months of the appointment of all commission members.[80] For H.R. 6548, H.R. 8358, and S. 4666, the commission could have extended the reporting deadline, if necessary. For H.R. 6548, the extension could have been for 90 days, upon a vote of no fewer than 8 (out of 10) commissioners. For H.R. 8358 and S. 4666, the extension could have been for 60 days, upon a vote of no fewer than 6 (out of 10) commissioners. All three commissions could have voted to extend the final report deadline up to three times, and would have been required to notify Congress, the President, and the public of any such extension.[81]

While statutorily requiring a report on a specific date would have potentially given the commission a defined period of time to complete its work, setting a particular date for report completion could have created unintended time constraints. Any delay in the passage of the legislation, or in the appointment process, could have reduced the amount of time the commission had to complete its work, even with the opportunity for the commission to have potentially extended its deadline.[82]

The length of time a congressional commission has to complete its work is arguably one of the most consequential decisions when designing an advisory entity. If the entity has a short window of time, the quality of its work product may suffer or it may not be able to fulfill its statutory mandate on time. A short deadline may also affect the process of standing up a new commission. The selection of commissioners, recruitment of staff, arrangement of office space, and other logistical matters may require expedited action if short deadlines need to be met. On the other hand, if the commission is given a long period of time to complete its work, it may undermine one of a commission's primary legislative advantages, the timely production of expert advice on a current matter.

Report Submission

Most congressional advisory commissions are required to submit their reports to Congress, and sometimes to the President or an executive department or agency head. For example, the National Commission on Severely Distressed Public Housing's final report was submitted to both Congress and the Secretary of Housing and Urban Development.[83]

Of the eight proposed commissions, seven (H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6548, H.R. 8358, S. 4132, and S. 4666) would have been directed to submit their reports to both Congress and the President.[84] H.R. 6455, H.R. 8358, S. 4132, S. 4666 would have required that the report was made public.[85]

[79] H.R. 6548 §2(j)(3).

[80] H.R. 8358, §12(b); S. 4666, §12(b).

[81] H.R. 6548 §2(j)(3); H.R. 8358, §12(b); S. 4666, §12(b).

[82] H.R. 6548 §2(j)(3)(B).

[83] P.L. 101-235, §504(d), 103 Stat. 2051, December 15, 1989.

[84] H.R. 6429, §9(b); H.R. 6431, §210(b); H.R. 6440, §7(a)(2); H.R. 6548, §2(j)(2); H.R. 8358, §12(b); S. 4132, §2(j)(2); S. 4666, §12(b).

[85] H.R. 6455, §2(b)(4); H.R. 8358, §7(b)(2); S. 4132, §2(f)(2)(B); S. 4666, §7(b)(2).

Commission Termination

Congressional commissions are usually statutorily mandated to terminate. Termination dates are often linked to either a fixed period of time after the establishment of the commission, the selection of members, or the date of submission of the commission's final report. Alternatively, some commissions are terminated on a specific calendar date.

All eight commission proposals would have provided for the commission to terminate within a certain period of time following submission of its final report. Five commissions would have terminated 60 days after final report submission (H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6455, and S. 4132); one commission (H.R. 6548) would have terminated 90 days after submission; two proposals (H.R. 8358 and S. 4666) would have specified that the commission must terminate within 120 days after the final report is submitted.[86]

Commission Powers

Each of the eight bills would have provided the proposed commission with certain powers to carry out its mission (see **Table 1** for specifics). One general issue for commissions is who might be authorized to execute such specified powers. In some cases, the commission itself executes its powers, with the commission deciding whether to devise rules and procedures for the general use of such power. In other cases, the legislation specifically authorizes the commission to give discretionary power to subcommittees or individual commission members.[87] Finally, the legislation itself might grant certain powers to individual members of the commission, such as the chair.[88]

Hearings and Evidence

All eight bills would have provided the proposed commission with the power to hold hearings, take testimony, and receive evidence.[89] All eight commissions would also have been provided the power to administer oaths to witnesses.[90]

Subpoenas

Seven of the bills would have provided the commission with subpoena power. H.R. 6440 would not have provided subpoena power to the commission. H.R. 6429, H.R. 6431, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would have provided that subpoenas could only be issued by either

[86] H.R. 6429, §9(c); H.R. 6431, §210(e); H.R. 6440, §7(b); H.R. 6455, §2(l); H.R. 6548, §2(k); H.R. 8358, §12(d); S. 4132, §2(k); S. 4666, §12(d).

[87] For example, the National Commission on Defense and National Security (P.L. 101-511, §3, 104 Stat. 1899, November 5, 1990) provided that "Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section" [§8(b)].

[88] For example, the Women's Progress Commemoration Commission (P.L. 105-341, §3, 112 Stat. 3197, October 31, 1998) provided that "The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. *At the request of the Chairperson* of the Commission, the head of such department or agency shall furnish such information to the Commission" (emphasis added) [§5(b)].

[89] H.R. 6429, §5; H.R. 6431, §205; H.R. 6440, §5; H.R. 6455, §2(g); H.R. 6548, §2(e); H.R. 8358, §6(a)(1); S. 4132, §2(e)(1)(A); S. 4666, §6(a)(1).

[90] H.R. 6429, §5(a)(1)(A); H.R. 6431, §205(a)(1)(A); H.R. 6440, §5(a); H.R. 6455, §2(g)(1)(A)(i); H.R. 6548, §2(e)(1)(A)(i); H.R. 8358, §6(a)(1)(A); S. 4132, §2(e)(1)(A)(i); S. 4666, §6(a)(1)(A).

(1) agreement of the chair and vice chair, or (2) the affirmative vote of 6 (of 10) commission members.[91] H.R. 6455 would have required that a subpoena could only be issued by either (1) agreement of the chair and vice chair, or (2) an affirmative vote of 18 (of 25) commission members.[92] The seven bills that would have provided subpoena authority note that such power would be substantially similar to judicial methods of subpoena enforcement.[93]

Administrative Support

All eight of the bills would have provided that the commission may obtain administrative support from the General Services Administration (GSA). The GSA provides administrative support to dozens of federal entities, including congressional advisory commissions.[94] Each of the eight bills would have provided that the commission reimburse GSA for its services.[95] Each bill also would have provided that other departments or agencies could have provided the commission funds, facilities, staff, and other services.[96]

Other Powers

Without explicit language authorizing certain activities, commissions often cannot engage in specific actions. These might include information gathering, contracting, using the U.S. mail in the same manner as an executive branch entity, or accepting donations or gifts. H.R. 8358 and S. 4666 would have required the commission to preserve commission records and provide records to the National Archives not later than 120 days after final report submission,[97] and to hire an ethics counsel and submit to Congress a detailed plan to identify and resolve conflicts of interest.[98]

All eight bills would have directed that federal agencies provide information to the commission upon request.[99] H.R. 6429, H.R. 6431, H.R. 6548, H.R. 8358, S. 4132, and S. 4666 would also have provided that the commission could use the U.S. mail in the same manner as any department or agency,[100] enter into contracts,[101] and accept gifts or donations of services or property.[102]

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[91] H.R. 6429, §5(a)(2)(A); H.R. 6431, §205(a)(2)(A); H.R. 6548, §2(e)(1)(B); H.R. 8358, §6(a)(2); S. 4132, §2(e)(1)(B); S. 4666, §6(a)(2).

[92] H.R. 6455, §2(g)(1)(B)(i).

[93] H.R. 6429, §5(a)(2)(B); H.R. 6431, §205(a)(2)(B); H.R. 6455, §2(g)(1)(B)(ii); H.R. 6548, §2(e)(1)(C); H.R. 8358, §6(a)(2); S. 4132, §2(e)(1)(B); S. 4666, §6(a)(2).

[94] U.S. General Services Administration, "Presidential & Congressional Commission, Boards or Small Agencies," at https://www.gsa.gov/resources-for/presidential-congressional-commissions-boards-or-small-agencies.

[95] H.R. 6429, §5(d)(1); H.R. 6431, §205(d)(1); H.R. 6440, §5(c)(1); H.R. 6455, §2(g)(3)(A); H.R. 6548, §2(e)(4)(A); H.R. 8358, §6(d)(1); S. 4132, §2(e)(4)(A); S. 4666, §6(d)(1).

[96] H.R. 6429, §5(d)(2); H.R. 6431, §205(d)(2); H.R. 6440, §5(c)(2); H.R. 6455, §2(g)(3)(B); H.R. 6548, §2(e)(4)(B); H.R. 8358, §6(d)(2); S. 4132, §2(e)(4)(B); S. 4666, §6(d)(2).

[97] H.R. 8358, §8; S. 4666, §8.

[98] H.R. 8358, §4(b)(3); S. 4666, §4(b)(3).

[99] H.R. 6429, §5(d)(2); H.R. 6431, §205(c); H.R. 6440, §5(b); H.R. 6455, §2(e)(3); H.R. 6548, §2(e)(3); H.R. 8358, §6(c); S. 4132, §2(e)(3); S. 4666, §6(c).

[100] H.R. 6429, §5(f); H.R. 6431, §205(f); H.R. 6548, §2(e)(6); H.R. 8358, §6(f); S. 4132, §2(e)(6); S. 4666, §6(f).

[101] H.R. 6429, §5(b); H.R. 6431, §205(b); H.R. 6548, §2(e)(2); H.R. 8358, §6(b); S. 4132, §2(e)(2); S. 4666, §6(b).

[102] H.R. 6429, §5(e); H.R. 6431, §205(e); H.R. 6548, §2(e)(5); H.R. 8358, §6(e); S. 4132, §2(e)(5); S. 4666, §6(e).

Staffing

The proposed COVID-19 commissions contained staffing provisions commonly found in congressional advisory commission legislation. Congressional advisory commissions are usually authorized to hire staff. Most statutes specify that the commission may hire a lead staffer, often referred to as a "staff director," "executive director," or another similar title, in addition to additional staff as needed. Rather than mandate a specific staff size, many commissions are instead authorized to appoint a staff director and other personnel as necessary, subject to the limitations of available funds.

Most congressional commissions are also authorized to hire consultants, procure intermittent services, and request that federal agencies detail personnel to aid the commission's work.

Director and Commission Staff

Seven of the bills would have provided that the commission may hire staff without regard to certain competitive service laws.[103] H.R. 6440 did not specifically exempt the commission from such laws.[104] Seven bills (H.R. 6429, H.R. 6431, H.R. 6455, H.R. 6548, H.R. 8358, S. 4132, and S. 4666) would have authorized, but not required, the commission to hire a staff director and additional staff, as appropriate.[105] Seven proposals would have limited staff salaries to level V of the executive schedule.[106] Six of the bills would have specifically designated staff as federal employees for the purposes of certain laws, such as worker's compensation, retirement, and other benefits.[107] H.R. 6440 would have required that the Congressional Accountability Act of 1995 apply to the commission and its employees.[108]

Detailees

When authorized, some commissions may have federal agency staff detailed to the commission. All eight bills would have provided that federal employees could be detailed to the commission. Seven bills would have provided that the commission would not reimburse the detailee's home agency.[109] H.R. 6440 would have allowed detailees on a reimbursable basis.[110]

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[103] H.R. 6429, §7; H.R. 6431, §207; H.R. 6455, §2(g); H.R. 6548, §2(i); H.R. 8358, §9(a); S. 4132, §2(g)(1); S. 4666, §9(a).

[104] H.R. 6440, §6(a).

[105] H.R. 6429, §7(a)(1); H.R. 6431, §207(a); H.R. 6455, §2(i)(1)(A); H.R. 6548, §2(g)(1)(A); H.R. 8358, §9(a); S. 4132, §2(g)(1); S. 4666, §9(a).

[106] H.R. 6429, §7(a)(1); H.R. 6431, §207(a)(1); H.R. 6455, §2(i)(1)(A); H.R. 6548, §2(g)(1)(A); H.R. 8358, §9(a)(1); S. 4132, §2(g)(1)(A); S. 4666, §9(a)(1). For 2020, level V of the Executive Schedule is $160,100. For 2021, level V of the Executive Schedule is $161,700. For more information, see U.S. Office of Personal Management, "Salary Table No. 2020-EX," at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/EX.pdf; and "Salary Table No. 2021-EX," at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/exec/html/EX.aspx.

[107] H.R. 6429, §7(a)(2); H.R. 6431, §207(a)(2); H.R. 6548, §2(g)(1)(B); H.R. 8358, §9(a)(2)(A); S. 4132, §2(g)(1)(B)(i); S. 4666, §9(a)(2)(A).

[108] H.R. 6440, §5(e).

[109] H.R. 6429, §7(b); H.R. 6431, §207(b); H.R. 6455, §2(i)(2); H.R. 6548, §2(g)(2); H.R. 8358, §9(b); S. 4132, §2(g)(2); S. 4666, §9(b).

[110] H.R. 6440, §6(c).

Experts and Consultants

All eight bills would have provided the commission with the authority to hire experts and consultants. Seven of the bills would have limited the rate of pay for consultants to level IV of the Executive Schedule.[111] H.R. 6440 would not have specified a specific compensation limit.[112]

Security Clearances

Seven bills would have required that federal agencies and departments cooperate with the commission to provide members and staff appropriate security clearances.[113] H.R. 6440 did not contain a security clearance provision.

Funding and Costs

Commissions generally require funding to meet their statutory goals. When designing a commission, policymakers might consider both how the commission will be funded and how much funding the commission will be authorized to receive. Factors that might affect commission expenditures, and therefore funding, include member and staff salaries and benefits, contracting, administrative support reimbursement, and travel expenditures. The duration of a commission can also significantly affect its cost; past congressional commissions have been designed to last anywhere from several months to several years.[114] Seven of the eight proposals would have specified a funding mechanism for the commission.

Four of the bills (H.R. 6429, H.R. 6440, H.R. 6548, S. 4132) would have authorized the appropriation of "such sums as may be necessary" for the commission, to be derived in equal amounts from the contingent fund of the Senate and the applicable accounts of the House of Representatives.[115] H.R. 6455 would have authorized a $4 million appropriation.[116] H.R. 8358 and S. 4666 would have authorized a $50 million appropriation.[117] H.R. 6431 did not include an authorization of appropriations. Further, H.R. 6429, H.R. 6548, H.R. 6455, H.R. 8358, S. 4132, and S. 4666 would have provided that funds would have been available until the commission terminated.[118] H.R. 6440 did not include a provision on the availability of funds.

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[111] H.R. 6429, §7(c); H.R. 6431, §207(c); H.R. 6455, §2(i)(3); H.R. 6548, §2(g)(3); H.R. 8358, §9(c); S. 4132, §2(g)(3); S. 4666, §9(c). For 2020, level IV of the Executive Schedule is $170,800. For 2021, level IV of the Executive Schedule is $172,500. For more information, see U.S. Office of Personnel Management, "Salary Table No. 2020-EX," at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/EX.pdf; and "Salary Table No. 2021-EX," at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/exec/html/EX.aspx.

[112] H.R. 6440, §6(b).

[113] H.R. 6429, §8; H.R. 6431, §209; H.R. 6455, §2(k); H.R. 6548, §2(i); H.R. 8358, §11; S. 4132, §2(i); S. 4666, §11.

[114] For more information on commission funding, see CRS Report R45826, *Congressional Commissions: Funding and Expenditures*, by William T. Egar.

[115] H.R. 6429, §10(a); H.R. 6440, §8, H.R. 6548, §2(l)(1); S. 4132, §2(l)(1).

[116] H.R. 6455, §2(m).

[117] H.R. 8358, §13 (a); S. 4666, §13(a).

[118] H.R. 6429, §10(b); H.R. 6548, §2(l)(2); H.R. 6455, §2(m); H.R. 8358, §13(b); S. 4132, §2(l)(2); S. 4666, §13(b).

Comparison of Proposals to Create a COVID-19 Commission

Table 1 provides a side-by-side comparison of major provisions of the eight proposals. For each bill, **Table 1** compares the membership structure, appointment structure, rules of procedure and operation, duties and reporting requirements, proposed commission powers, staffing provisions, and funding.

Table 1. Comparison of 116th Congress Proposals to Create a Congressional Advisory Commission on COVID-19

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
Commission Name	National Commission on COVID-19 in the United States	National Commission on United States Preparedness for National Emergencies	National Commission on the COVID-19 Pandemic	National Commission Regarding the 2019 Novel Coronavirus COVID-19 Pandemic	National Commission on the COVID-19 Pandemic in the United States	Commission on the Coronavirus Pandemic in the United States	National Commission on the COVID–19 Pandemic in the United States	Commission on the Coronavirus Pandemic in the United States
Total Members	10	10	10	25	10	10	10	10
Appointments	-1 (to serve as chair) by the President; -1 (to serve as vice chair) by the leader of the House of the party opposite the President (majority or minority leader, as the case may be), in consultation with the leader of the Senate of the party opposite the President (majority or minority leader as the case may be);	-1 (to serve as chair) by the President; -1 (to serve as vice chair) by the leader of the Senate of the Democratic Party (majority or minority leader, as the case may be), in consultation with the leader of the House of the Democratic Party (majority or minority leader, as the case may be); -2 by the senior member of the Senate leadership of the Democratic Party;	-1 (to serve as chair) by the Speaker of the House, in consultation with the Senate majority leader and House minority leader; -1 (to serve as vice chair) by the Senate majority leader, in consultation with the Speaker and the Senate minority leader; -2 by the Senate majority leader; -2 by the Senate minority leader; -Two by the Speaker;	-1 appointed by the chair, and 1 by the ranking member of each of the following House committees: • Oversight and Reform; • Homeland Security; • Permanent Select Committee on Intelligence; • Energy and Commerce; • Foreign Affairs;	-1 (to serve as chair) by the President; -1 (to serve as vice chair) by the leaders of the Senate of the party opposite the President (majority or minority leader, as the case may be), in consultation with the leader of the House of the party opposite the President (majority or minority leader as the case may be); -2 by the senior member of the Senate	-1 (to serve as chair) by the President; -1 (to serve as vice chair) by the leader of the Senate of the party opposite the President, in consultation with the leader of the House of the party opposite the President; -2 by the senior member of the Senate Democratic leadership; -2 by the senior member of the Senate Republican leadership;	-1 (to serve as chair) by the President; -1 (to serve as vice chair) by the leader of the Senate of the party opposite the President, in consultation with the leader of the House of the party opposite the President; -2 by the senior member of the Senate Democratic leadership; -2 by the senior member of the House Republican leadership;	-1 (to serve as chair) by the President; -1 (to serve as vice chair) by the leader of the Senate of the party opposite the President, in consultation with the leader of the House of the party opposite the President; -2 by the senior member of the Senate Democratic leadership; -2 by the senior member of the Senate Republican leadership;

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
	-2 by the Speaker of the House; -2 by the House minority leader; -2 by the Senate majority leader; and -2 by the Senate minority leader. §4(a)	-2 by the senior member of the House leadership of the Republican Party; -2 by the senior member of the Senate leadership of the Republican Party; and -2 by the senior member of the House leadership of the Democratic Party. §203(a)	-1 by the House minority leader; and -1 by the President. §3(a)	• Transportation and Infrastructure; and • Education and Labor. -1 appointed by the chair, and 1 by the ranking member of each of the following Senate Committees: • Homeland Security and Governmental Affairs; • Commerce, Science, and Transportation; • Select Committee on Intelligence; • Health, Education, Labor, and Pensions; and	leadership of the Democratic Party -2 by the senior member of the House leadership of the Republican Party; -2 by the senior member of the Senate leadership of the Republican Party; and -2 by the senior member of House leadership of the Democratic Party. §2(c)(1)	-2 by the senior member of the House Democratic leadership; -2 by the senior member of the House Republican leadership. §4(a)	-2 by the senior member of the Senate Republican leadership; -2 by the senior member of the House Democratic leadership. §2(c)	-2 by the senior member of the House Democratic leadership; -2 by the senior member of the House Republican leadership. §4(a)

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
				• Foreign Relations. -One appointed jointly by the Chair and Vice Chair of the Joint Economic Committee. §2(c)(1)				
Commissioner Compensation and Travel Expenses	Commission members may receive compensation, limited at level IV of the Executive Schedule §4(g) Travel expenses reimbursed §4(h)	Commission members may receive compensation, limited at level IV of the Executive Schedule §208(a) Travel expenses reimbursed §208(b)	Commission members may receive compensation, limited at level IV of the Executive Schedule §3(d) —	Commission members may receive compensation, limited at level IV of the Executive Schedule §2(j) —	Commission members may receive compensation, limited at level IV of the Executive Schedule. §2(h)(1) Travel expenses reimbursed §2(h)(2)	Commission members may receive compensation, limited at level IV of the Executive Schedule §10(a) Travel expenses reimbursed §10(b)	Commission members may receive compensation, limited at level IV of the Executive Schedule §2(h)(1) Travel expenses reimbursed §2(h)(2)	Commission members may receive compensation, limited at level IV of the Executive Schedule §10(a) Travel expenses reimbursed §10(b)
Partisan Balance	Not more than 5 members (out of 10) from the same political party. §4(b)(1)	Not more than 5 members (out of 10) from the same political party. §203(b)(1)	Not more than 5 members (out of 10) from the same political party. §3(b)(1)	Not more than 13 members (out of 25) from the same political party. §2(c)(2)(B)	Not more than 5 members (out of 10) from the same political party. §2(c)(2)	Not more than 5 members (out of 10) from the same political party §4(b)(1)	Not more than 5 members (out of 10) from the same political party §2(c)(2)(A)	Not more than 5 members (out of 10) from the same political party §4(b)(1)
Other Commissioner Qualifications	No officers or employees of federal, state, or local governments.	No officers or employees of federal, state, or local governments.	No officers or employees of federal, state, or local governments.	No officers or employees of the federal government.	No officers or employees of federal, state, or local governments.	No officers or employees of federal, state, local, tribal, or territorial governments	No officers or employees of federal, state, or local governments	No officers or employees of federal, state, local, tribal, or territorial governments

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
	Sense of Congress that commissioners should be prominent U.S. citizens, with national recognition and significant experience and expertise in such professions as governmental service, public health, medicine, emergency management or response, public administration, logistics, and organizational management. §4(b)	Sense of Congress that commissioners should be prominent U.S. citizens, with national recognition and significant depth of experience in such professions as health, manufacturing, agriculture, emergency planning, governmental service, law enforcement, the armed services, law, public administration, commerce, and disaster relief. §203(b)	Sense of Congress that that commissioners should be prominent U.S. citizens, with national recognition and significant depth of experience in such professions as governmental service, biological science, and higher education, and that members should include individuals with expertise in the medical community, including hospital experts and administrators. §3(b)	Each individual shall be a United States person with significant expertise in one or more of 10 listed areas of expertise. At least one commissioner shall be an individual with significant expertise in each of 10 listed areas of expertise. At least 18 commissioners, in an equally divided manner, shall be individuals with significant experience in public health preparedness, response and recovery operations; and administration of emergency preparedness, response, and recovery	Sense of Congress that commissioners should be "prominent United States citizens, with national recognition and significant depth of experience in such professions as public health, medicine (including epidemiology), governmental service, academia, homeland security, the armed services, emergency preparedness and management, law, public administration, and intelligence." §2(c)(2)	No individuals who have held a federal position that plans, coordinates, or implements federal response to COVID-19 public health emergency §4(b)(2)(B) Commissioners should include at least one former governor, public health expert, and economic policy expert appointed by each party's leadership; §4(b)(4)(A) Sense of Congress that commissioners should be prominent U.S. citizens, with national recognition and	Sense of Congress that commissioners should be prominent U.S. citizens with national recognition and significant depth of experience in such professions as public health, medicine, governmental service, academia, homeland security, the armed services, emergency preparedness and management, law, public administration, and intelligence. §2(c)(2)	No individuals who have held a federal position that plans, coordinates, or implements federal response to public health emergencies §4(b)(2)(B) Commissioners should include at least one former governor, public health expert, and economic policy expert appointed by each party's leadership; §4(b)(4)(A) Sense of Congress that commissioners should be prominent U.S. citizens, with national recognition and significant

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
				operations. §2(c)(2)		significant depth of experience in such professions as governmental service, public health, scientific research, public administration, intelligence gathering, commerce, national security, and foreign affairs. §4(b)(4)(B)		depth of experience in such professions as governmental service, public health, scientific research, public administration, intelligence gathering, commerce, national security, and foreign affairs. §4(b)(4)(B)
Deadline for Appointments	Appointments to be made during period between January 21, 2021, and February 19, 2021. Exception: If the determination by the Secretary of Health and Human Services that a public health emergency exists as a result of	Not specified.	Appointments to be made by December 15, 2020. §3(b)(4)	Appointments to be made within 45 days of enactment. §2(c)(3)	Appointments to be made during period between January 21, 2021, and February 5, 2021. §2(c)(2)(D)	Appointments to be made within 30 days after the date of the expiration of the public health emergency declared by the Secretary of Health and Human Services pursuant to 41 U.S.C. 247d on January 31, 2020. §4(b)(5)	Appointments to be made during the period between January 21, 2021, and February 5, 2021. §2(c)(2)(D)	Appointments to be made within 30 days after the date of the expiration of the public health emergency declared by the Secretary of Health and Human Services pursuant to 41 U.S.C. 247d on January 31, 2020. §4(b)(5)

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
	COVID-19 is not in effect as of August 31, 2020, then members of the commission are to be appointed between September 1, 2020, and October 1, 2020. §4(c)							
Chairperson Selection	Chair appointed by President. Vice chair appointed by the leader of the House from the party opposite the President, in consultation with the leader of the Senate from the party opposite the President. §4(a)(1)	Chair appointed by President. Vice chair appointed by leader of the Senate (majority or minority leader as the case may be) from the Democratic Party, in consultation with the leader of the House (majority or minority leader, as the case may be) from the Democratic Party. §203(a)	Chair chosen by the Speaker, in consultation with the Senate majority leader and House minority leader. Vice chair chosen by the Senate majority leader, in consultation with the Speaker and Senate minority leader. §3(a)	Chair and vice chair both shall (1) be chosen from among commission members, by a majority vote of the commission; (2) have particular specified expertise as specified and (3) shall be of different political parties. §2(d)	Chair appointed by President. Vice chair appointed by the leaders of the Senate of the party opposite the President (majority or minority leader, as the case may be), in consultation with the leader of the House of the party opposite the President (majority or minority leader as the case may	Chair appointed by President Vice chair appointed by the leader of the Senate of the party opposite the President, in consultation with the leader of the House of the party opposite the President. §4(a)(1)-(2)	Chair appointed by President Vice chair appointed by the leader of the Senate of the party opposite the President, in consultation with the leader of the House of the party opposite the President. §2(c)(1)	Chair appointed by President Vice chair appointed by the leader of the Senate of the party opposite the President, in consultation with the leader of the House of the party opposite the President. §4(a)(1)-(2)

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					be). §2(c)(1)			
First Meeting	As soon as practicable, but not later than March 15, 2021, if members appointed during period between January 21 and February 19, 2021; or October 31, 2020, if members appointed subject to during period between September 1 and October 1, 2020. §4(e)	As soon as practicable. §203(b)(4)	As soon as practicable after appointment of its members. §3(b)(5)	Not later than 45 days after appointment of final commission member. §2(e)	As soon as practicable, but not later than March 5, 2021. §2(c)(2)(E)	Within 45 days after the appointment of all commission members. §4(c)(1)	As soon as practicable. §2(c)(2)(E)	Within 45 days after the appointment of all commission members. §4(c)(1)
Rules of Procedure	Commission shall meet upon the call of the chair, or a majority of members. Six members shall constitute a quorum. Findings,	Commission shall meet upon the call of the chair, or a majority of members. Six members shall constitute a quorum.	Commission shall meet upon the call of the chair, or a majority of members. Six members shall constitute a quorum. Findings,	Commission shall meet upon the call of the chair, or a majority of members. Eighteen members shall constitute a quorum.	Commission shall meet upon the call of the chair, or a majority of members. Six members shall constitute a quorum.	Commission shall meet upon the call of the chair or a majority of members. §4(c)(2) Six members constitute a quorum. §4(c)(3)	Commission shall meet upon the call of the chair or a majority of members. Six members constitute a quorum. §2(c)(3)	Commission shall meet upon the call of the chair or a majority of members. §4(c)(2) Six members constitute a quorum. §4(c)(3)

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
	conclusions, and recommendations contained in interim and final reports must be agreed to by a majority of members. §4(f); §9(a); §9(b)	Findings, conclusions, and recommendations contained in interim and final reports must be agreed to by a majority of members. §203(c); §210	conclusions, and recommendations contained in interim and final reports must be agreed to by a majority of members. §3(c); §7(a)	Proxy voting permitted. §2(f)	Meetings to be conducted in person "unless such in-person meetings would pose a health risk or significant practical challenges." Findings, conclusions, and recommendations contained in interim and final reports must be agreed to by a majority of members. §2(c)(3); §2(j)(1); §2(j)(2)	Findings, conclusions, and recommendations for corrective action in interim and final reports must be agreed to by a majority of members. §12(a)-(b)	Finding, conclusions and recommendations for corrective measures in interim and final reports must be agreed to by a majority of members. §2(j)	Findings, conclusions, and recommendations for corrective action in interim and final reports must be agreed to by a majority of members. §12(a)-(b)
Powers	Hold hearings and gather evidence Issue subpoenas Contracting authority Obtain information from federal	Hold hearings and gather evidence Issue subpoenas Contracting authority Obtain information from federal	Hold hearings and gather evidence Obtain information from federal agencies Obtain administrative support from GSA and other	Hold hearings and gather evidence Issue subpoenas Obtain information from federal agencies Obtain administrative	Hold hearings and gather evidence Issue subpoenas Contracting authority Obtain information from federal	Hold hearings and gather evidence Issue subpoenas Contracting authority Obtain information from federal agencies	Hold hearings and gather evidence Issue subpoenas Contracting authority Obtain information from federal agencies	Hold hearings and gather evidence Issue subpoenas Contracting authority Obtain information from federal agencies

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
	agencies Obtain administrative support from GSA and other agencies Accept and use gifts of services or property Utilize postal service in the same manner as federal agencies §5	agencies Obtain administrative support from GSA and other agencies Accept and use gifts of services or property Utilize postal service in the same manner as federal agencies §205	agencies §5	support from GSA and other agencies §2(g)	agencies Obtain administrative support from GSA and other agencies Accept and use gifts of services or property Utilize postal service in the same manner as federal agencies §2(e)	Obtain administrative support from GSA and other agencies Accept and use gifts of services and property Utilize postal service in the same manner as federal agencies §6	Obtain administrative support from GSA and other agencies Accept and use gifts of services and property Utilize postal service in the same manner as federal agencies §2(e)	Obtain administrative support from GSA and other agencies Accept and use gifts of services and property Utilize postal service in the same manner as federal agencies §6
Subpoena Process	Subpoenas may be issued with the agreement of the chair and vice chair, or a vote of six members. §5(a)(2)(A)	Subpoenas may be issued with the agreement of the chair and vice chair, or a vote of six members. §205(a)(2)(A)	—	Subpoenas may be issued with the agreement of the chair and vice chair, or a vote of 18 members. §2(g)(1)(B)(i)	Subpoenas may be issued with the agreement of the chair and vice chair, or a vote of six members. §2(e)(1)(B)	Subpoenas may be issued with the agreement of the chair and vice chair, or a vote of six members. §6(a)(2)	Subpoenas may be issued with agreement of the chair and vice chair, or a vote of six members. §2(e)(1)(B)	Subpoenas may be issued with the agreement of the chair and vice chair, or a vote of six members. §6(a)(2)
Reporting Requirements	Final report to be submitted to Congress and the President within one year of initial meeting. May submit interim reports to Congress	Final report, along with two additional reports, to be submitted to Congress and the President not later than 18 months after	Final report to be submitted to Congress and the President not later than 18 months after enactment. May submit interim reports	Public report to be published not later than 18 months after initial meeting. §2(b)(4)	Final report to be submitted to Congress, President, and the public by October 15, 2021, unless not fewer than eight commission members vote	Final report to be submitted to Congress and the President not later than 18 months after the date of appointment of all commission members, unless not	Final report submitted to Congress and the President not later than August 31, 2022. §2(j)(2)	Final report to be submitted to Congress and the President not later than 18 months after the date of appointment of all commission members, unless not

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
	and the President. §9	enactment. May submit interim reports to Congress and the President. §210	to Congress and the President. §7		to extend deadline by 90 days; Commission may not make more than three extensions. May submit interim reports to Congress and the President. §2(j)	fewer than 6 commission members vote to extend the report deadline by 90 days; Commission may not make more than three extensions. §12(b) May submit interim reports to Congress and the President. §12(a)	May submit interim reports to Congress and the President. §2(j)(1)	fewer than 6 commission members vote to extend the report by 90 days; Commission may not make more than three extensions. §12(b) May submit interim reports to Congress and the President. §12(a)
Staff	Chair, in consultation with vice chair and in accordance with rules set by the commission, may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation may not exceed	Chair, in consultation with vice chair and in accordance with rules set by the commission, may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation may not exceed	Chair, in consultation with vice chair and in accordance with rules set by the commission, may appoint and fix compensation of staff. §6(a)	Chair, in consultation with vice chair and in accordance with rules set by the commission, may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation may not exceed	Chair, in consultation with vice chair and in accordance with rules set by the commission, may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation may not exceed	Chair, in consultation with vice chair and in accordance with rules agreed upon by the commission, may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation	Chair, in consultation with vice chair and in accordance with rules agreed upon by the commission, may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation	Chair, in consultation with vice chair and in accordance with rules agreed upon by the commission, may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
	level V of the Executive Schedule. §7(a)	level V of the Executive Schedule. §207(a)		level V of the Executive Schedule. §2(i)(1)	level V of the Executive Schedule. §2(g)(1)	may not exceed level V of the Executive Schedule. §9(a)	may not exceed level V of the Executive Schedule. §2(g)(1)	may not exceed level V of the Executive Schedule. §9(a)
Detailees	Federal employees may be detailed to the commission without reimbursement to their home agency. §7(b)	Federal employees may be detailed to the commission without reimbursement to their home agency. §207(b)	Federal employees may be detailed to the commission on a reimbursable basis. §6(c)	Federal employees may be detailed to the commission without reimbursement to their home agency. §2(i)(2)	Federal employees may be detailed to the commission without reimbursement to their home agency. §2(g)(2)	Federal employees may be detailed to the commission without reimbursement to their home agency. §9(b)	Federal employees may be detailed to the commission without reimbursement to their home agencies. §2(g)(2)	Federal employees may be detailed to the commission without reimbursement to their home agency. §9(b)
Consultants	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §7(c)	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §207(c)	Commission may procure services of experts and consultants. §6(b)	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §2(i)(3)	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §2(g)(3)	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §9(c)	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §2(g)(3)	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §9(c)
Termination	60 days after final report submitted. §9(c)	60 days after final report submitted. §210(e)	60 days after final report submitted. §7(b)	60 days after final report submitted. §2(l)(1)	90 days after final report submitted. §2(k)(1)	120 days after final report submitted. §12(d)	60 days after final report submitted. §2(k)	120 days after final report submitted. §12(d)
Funding	Authorize appropriation of such sums as necessary, which shall be derived in equal parts from the	Not specified	Authorize appropriation of such sums as necessary, derived in equal amounts from the contingent	Authorize appropriation of $4 million}. §2(m)(1)	Authorize appropriation of such sums as necessary, which shall be derived in equal parts from the	Authorize appropriations of $50 million. §13(a) Funds available for the life of	Authorize appropriation of such sums as necessary, derived in equal amounts from the contingent	Authorize appropriations of $50 million. §13(a) Funds available for the life of

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
	Senate contingent fund and the applicable account of the House of Representatives. §10(a)		fund of the Senate and the applicable account of the House of Representatives. §8		Senate contingent fund and the applicable account of the House of Representatives. §2(l)	the commission. §13(b)	fund of the Senate and the applicable account of the House of Representatives §2(l)(1) Funds available for the life of the commission. §2(l)(2)	the commission. §13(b)
FACA Applicability	FACA shall not apply to the commission. §6	FACA shall not apply to the commission. §206(a)	Not specified.	Not specified.	FACA shall not apply to the commission. §2(f)	FACA shall not apply to the commission. §7	FACA shall not apply to the commission. §2(f)(1)	FACA shall not apply to the commission. §7
Other Features	Hold public hearings and meetings to the extent appropriate. Release public versions of reports. §6(b)	Hold public hearings and meetings to the extent appropriate. Release public versions of reports. §206(b)	Hold public hearings and meetings to the extent appropriate. Release public versions of reports. Congressional Accountability Act of 1995 shall apply to the commission and its employees. §5(d)(1); §5(e)	Hold public hearings and meetings to the extent appropriate. Release public version of final report. §2(b)(4); §2(h)	Hold public hearings and meetings to the extent appropriate. Release public versions of reports. §2(f)	Hold public hearings and meetings to the extent appropriate. §7(b) Preserve the records of the commission and provide to National Archives not later than 120 days after final report submission. §8 Hire an ethics counsel and	Hold public hearings and meetings to the extent appropriate. §2(f)(2)-(3) Release public versions of reports. §2(f)(2)(B)	Hold public hearings and meetings to the extent appropriate. §7(b) Preserve the records of the commission and provide to National Archives not later than 120 days after final report submission. §8 Hire an ethics counsel and

	H.R. 6429	H.R. 6431	H.R. 6440	H.R. 6455	H.R. 6548	H.R. 8358	S. 4132	S. 4666
						submit to Congress a detailed plan for identifying and resolving conflicts of interest. §4(b)(3) Federal agencies will help with security clearances for members and staff. §11		submit to Congress a detailed plan for identifying and resolving conflicts of interest. §4(b)(3) Federal agencies will help with security clearances for members and staff. §11

Sources: CRS analysis of H.R. 6429, H.R. 6431, H.R. 6440, H.R. 6455, H.R. 6548, H.R. 8358, S. 4132, and S. 4666.

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This report was initially coauthored with former CRS analyst William Egar. The listed author is available to answer questions from congressional clients about its content.

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