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Proposals for a COVID-19 Congressional Advisory Commission in the 117th Congress: A Comparative Analysis

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SUMMARY

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Proposals for a COVID-19 Congressional Advisory Commission in the 117th Congress: A Comparative Analysis

Historically, Congress creates temporary advisory commissions to assist in the development of public policy. Among other contexts, Congress has created commissions following a crisis, including the September 11, 2001, terrorist attacks and the 2008 financial crisis. In such situations, advisory commissions may 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, crosscutting policy issues; and lend bipartisan credibility to a set of findings and recommendations. In other situations, Congress may determine that 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 six congressional advisory commissions proposed in the 117th Congress that would investigate various aspects of the Coronavirus Disease 2019 (COVID-19) outbreak, governmental responses, governmental pandemic preparedness, and the virus's impact on the U.S. economy and society. Each proposed commission would be similar in many respects, both to each other and to previous independent congressional advisory commissions. Specifically, the proposed commissions would (1) exist temporarily; (2) serve in an advisory capacity; and (3) report a work product detailing the commission's findings, conclusions, and recommendations. Many of the proposed commissions also would have unique elements, particularly concerning membership structure, appointment structure, and report deadlines.

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 six proposed commission structures. The six proposals are

- H.R. 834 (National Commission on the COVID-19 Pandemic);
- H.R. 1306 (Commission on the Coronavirus Pandemic in the United States);
- H.R. 2212 (Pandemic Preparedness, Response, and Recovery Commission);
- S. 412 (Commission on the Coronavirus Pandemic in the United States);
- S. 1001 (Pandemic Preparedness, Response, and Recovery Commission); and
- S. 3203 (National Commission on the COVID-19 Pandemic).

This report will be updated as events warrant.

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Introduction

Congress has created temporary advisory commissions to assist in the development of public policy. Recently, Congress has created commissions following crises, including the September 11, 2001, terrorist attacks,[1] the 2008 financial crisis,[2] and synthetic opioid trafficking.[3] In such situations, advisory commissions may provide Congress with a highly visible forum to convene expertise that might not exist within the legislative environment; allow for the in-depth examination of a complex, crosscutting policy problem; and lend bipartisan credibility to a set of finding and recommendations.

As Congress considers its range of responses to the Coronavirus Disease 2019 (COVID-19) 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. Past congressional advisory commissions have retrospectively evaluated policy responses, brought together diverse groups of experts, and supplemented existing congressional oversight mechanisms. Conversely, 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,[4] or already established oversight entities.[5]

This report provides a comparative analysis of six proposed congressional advisory commissions introduced to date in the 117th Congress (2021-2022) that would investigate various aspects of the COVID-19 pandemic. The six proposals are located in

- H.R. 834 (National Commission on the COVID-19 Pandemic);
- H.R. 1306 (Commission on the Coronavirus Pandemic in the United States);
- H.R. 2212 (Pandemic Preparedness, Response, and Recovery Commission);
- S. 412 (Commission on the Coronavirus Pandemic in the United States);
- S. 1001 (Pandemic Preparedness, Response, and Recovery Commission); and
- S. 3203 (National Commission on the COVID-19 Pandemic).

The structures of the six proposed commissions are similar in many respects, both to each other and to previous independent advisory entities established by Congress.[6] Specifically, the proposed

[1] The National Commission on Terrorist Attacks Upon the United States (9/11 Commission; 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] Commission on Combating Synthetic Opioid Trafficking (P.L. 116-92, §7221, 133 Stat. 2270, December 20, 2019).

[4] 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. The House of Representatives reauthorized the Select Subcommittee on the Coronavirus Crisis on January 4, 2021 (H.Res. 8, §4(f) (117th Congress)).

[5] 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 about 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.

[6] 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 (9/11 Commission; P.L. 107-306, §601, 116 Stat. 2408, November 27, 2002).

commissions would be classified as congressional advisory commissions because they would (1) exist temporarily; (2) serve in an advisory capacity; and (3) report a work product detailing the commission's findings, conclusions, and recommendations. Many of the proposed commissions also have 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, (6) staffing issues, and (7) funding for each of the COVID-19 commissions proposed in the 117th Congress. The **Appendix**, at the end of this report, provides a side-by-side comparison of major provisions of the six proposals.

Membership Structure

Congress has created a variety of appointment structures for the naming of congressional advisory commission members. Generally, commission statutes require that elected leaders (e.g., the President or congressional leaders) appoint commissioners, often with a specified balance between the parties,. Commonly, statutory language specifies whether commissioners may be current Representatives or Senators; whether they may be current federal, state, local, or tribal government employees or officials;[7] or whether they should be private citizens with specific expertise or skills.

Congress might consider several matters related to a commission's membership structure. They include commission size, membership qualifications, commissioner compensation, and requirements for partisan balance.

Size

There is significant variation in the size of congressional advisory commissions. Among the 161 identified congressional advisory commissions statutorily created between the 101st Congress (1989-1990) and the 116th Congress (2019-2020), the median size was 12 members.[8] The smallest commission had 5 members and the largest had 33 members.[9]

The membership structure of each of the six proposed commissions would be similar to previous independent advisory entities created by Congress. Four proposals (H.R. 834, H.R. 1306, S. 412,

[7] For more information on commission membership, see CRS Report R40076, *Congressional Commissions: Overview and Considerations for Congress*, by Jacob R. Straus; and CRS Report R45328, *Designing Congressional Commissions: Background and Considerations for Congress*, by Jacob R. Straus. For a complete list of congressional appointments to commissions, boards, and groups, see CRS Report RL33313, *Congressional Membership and Appointment Authority to Advisory Commissions, Boards, and Groups*, by Jacob R. Straus.

[8] CRS conducted a database search of a variety of relevant terms 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 Jacob R. Straus.

[9] Five commissions created between the 101st and the 116th Congress had five members. The most recent is the Congressional Oversight Commission for the CARES Act (P.L. 116-136). The largest commission is the United States Semiquincentennial Commission (P.L. 114-196).

and S. 3203) call for a commission of 10 members,[10] and two proposals (H.R. 2212 and S. 1001) call for a commission of 9 members.[11]

Qualifications

Congressional commission legislation often includes language that requires or suggests that commission members possess certain substantive qualifications.[12] Such provisions arguably make it more likely that the commissioners are genuine policy experts, which may improve the commission's final work product.[13]

Each of the six proposed commissions includes at least one qualification on membership. In total, the measures contain six different types of qualifications. They are

- a prohibition on the appointment of federal, state, local and/or tribal government officials (H.R. 834, H.R. 1306, S. 412, S. 3203);[14]
- a prohibition on the appointment of individuals involved in the federal COVID-19 pandemic response (H.R. 1306, S. 412);[15]
- a prohibition on the appointment of individuals who have a conflict of interest with the commission's duties and responsibilities (H.R. 834, S. 3203);[16]
- a "Sense of Congress" that commissioners are prominent U.S. citizens nationally recognized in certain fields (H.R. 834, H.R. 1306, S. 412);[17]
- a requirement that members are prominent citizens with national recognition in certain fields (H.R. 2212, S. 1001);[18] and

[10] H.R. 834, §5(a); H.R. 1306, §5(a); S. 412, §5(a); S. 3203, §2(c).

[11] H.R. 2212, §4(b)(1); S. 1001, §4(b)(1).

[12] 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, the United States Commission on North American Energy Freedom statute prescribed that commission nominees 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." P.L. 109-58, §1423, 119 Stat. 1064, August 8, 2005.

[13] In some instances, statutes establishing commissions have either provided for, or prohibited, the service of Members of Congress as commissioners. 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.

[14] H.R. 834, §5(b)(2); H.R. 1306, §5(b)(2)(A); S. 412, §(5(b)(2)(A); S. 3203, §2(c)(2)(B). Two proposed commissions (H.R. 1306 and S. 412) would allow the appointment of "state employees at a public institution of higher education or state-funded research institute" to the commission.

[15] H.R. 1306, §5(b)(2)(B); S. 412, §5(b)(2)(B).

[16] H.R. 834, §5(b)(4) & §9(d); S. 3203, §2(c)(2)(C). Additionally, H.R. 1306 (§5(b)(3)) and S. 412 (§5(b)(3)) would require the commission to hire an ethics counsel who would submit to the relevant committees of Congress "a detailed plan for identifying and resolving potential and actual conflicts of interest by any member of the commission."

[17] H.R. 834, §5(b)(3); H.R. 1306, §5(b)(4)(B); S. 412, §5(b)(4)(B). For a full list of qualifications for each commission, see **Table A-1**.

[18] H.R. 2212, §4(b)(3)(B); S. 1001, §4(b)(3)(B).

- a requirement that each political party appoint at least 1 former governor, 1 public health expert, and 1 economic policy expert to the commission (H.R. 1306, S. 412).[19]

Compensation of Commission Members

Compensation generally takes two forms: direct compensation (pay) and reimbursement for travel expenses. Approximately 30% of congressional advisory commission statutes specifically authorize that commissioners receive direct compensation. When commissioners are paid, the statute most frequently limits compensation to the daily equivalent of level IV of the Executive Schedule.[20] Nearly all commissions provide reimbursement for travel expenses.

Each of the six proposals would provide that commission members are compensated at a rate "not to exceed the daily equivalent 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."[21] Each proposed commission would also compensate members for travel expenses, including a per diem.[22]

Partisan Limitations

Most congressional advisory commissions (70%) have a limit on the number of members appointed from the same political party. Each of the six proposed commissions includes a limit on commission members from each party. H.R. 834 would require that "each major political party shall be represented by not fewer than five members of the Commission."[23] Each of the other commissions would specify that "not more than 5 members of the Commission shall be from the same political party."[24]

Appointment Structure

No one system exists for appointing commission members. Past appointment considerations have included partisan balance, how to fill vacancies, and the time limit for making appointments. Commission legislation commonly uses at least one of three common appointment schemes. They are as follows:

1. establishing legislation directly designates members of the commission, such as a specific Cabinet official or congressional leader;[25]

[19] H.R. 1306, §5(b)(4)(A); S. 412, §5(b)(4)(A).

[20] In 2021, Level IV of the Executive Schedule is $172,500. See Office of Personnel Management, "Salary Table No. 2021-EX," *Pay & Leave: Salaries & Wages*, effective January 2021, at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/exec/html/EX.aspx. For example, the 9/11 Commission (P.L. 107-306, §608(a), 116 Stat. 2412, November 27, 2002) and the Financial Crisis Inquiry Commission (P.L. 111-21, §5(f), 123 Stat. 1629, May 20, 2009) provided that commission members could be compensated at a daily rate of basic pay.

[21] H.R. 834, §10(a); H.R. 1306, §11(a); H.R. 2212, §7(a); S. 412, §11(a); S. 1001, §7(a); S. 3203, §2(h)(1).

[22] H.R. 834, §10(b); H.R. 1306, §11(b); H.R. 2212, §7(b); S. 412, §11(b); S. 1001, §7(b); S. 3203, §2(h)(2).

[23] H.R. 834, §5(b)(1).

[24] H.R. 1306, §5(b)(1); H.R. 2212, §4(b)(4); S. 412, §5(b)(1); S. 1001, §4(b)(4); S. 3203, §2(c)(2)(A).

[25] For example, the Commission on National Military Museum statute (P.L. 106-65, §2901(b)(2), 113 Stat. 881, October 5, 1999) directly designated the Secretaries of Defense, the Army, the Navy, the Air Force, Transportation, and of the Smithsonian Institution, the chair of the National Capital Planning Commission, and the chair of the U.S.

2. congressional leaders make appointments, often with a balance between the parties;[26] or
3. selected leaders, such as committee chairs and ranking members, make appointments themselves or recommend candidates to congressional leaders for appointment.[27]

Each of the six commission proposals would have one appointment made by the President (who would serve as the chair)[28] and the rest by congressional leaders. **Figure 1** shows the appointment authority for each proposed commission, including the section on the chair and vice chair, if applicable.

Commission of Fine Arts.

[26] For example, the National Bipartisan Commission on the Future of Medicare (P.L. 105-33, §4021(c), 111 Stat. 348, August 5, 1997) had six members appointed by the Senate majority leader in consultation with the Senate minority leader, six members appointed by the Speaker of the House in consultation with the House minority leader, and one jointly appointed by the President, Senate majority leader, and Speaker of the House.

[27] For example, the Antitrust Modernization Commission (P.L. 107-273, §11054(a)(1), 116 Stat. 1857, November 2, 2002) had four members appointed by the President, with "members of the opposing party [appointed] only on the recommendation of the leaders of Congress from that party."

[28] H.R. 834, §5(a)(1); H.R. 1306, §5(a)(1); S. 412, §5(a)(1); S. 3203, §2(c)(2)(B).

Figure 1. Proposed COVID-19 Commission Appointment Authority

Using Congressional Leadership in the first session of the 117th Congress (2021)

	Speaker of the House	House Minority Leader	Senate Majority Leader	Senate Minority Leader	President
H.R. 834 [§5(a)]	*House majority**	*House minority**	*Senate majority**	Vice chair *In consultation with House minority leader* *Senate minority**	Chair
H.R. 1306 [§5(a)]	*House majority**	*House minority**	*Senate majority**	Vice chair *In consultation with House minority leader* *Senate minority**	Chair
H.R. 2212 [§4(b)(1)]					Chair
S. 412 [§5(a)]	*House majority**	*House minority**	*Senate majority**	Vice chair *In consultation with House minority leader* *Senate minority**	Chair
S. 1001 [§4(b)(1)]					Chair
S. 3203 [§2(c)]	*House majority**	*House minority**	*Senate majority**	Vice chair *In consultation with House minority leader* *Senate minority**	Chair

*Appointments ** Senior member of party leadership*

Source: CRS analysis of H.R. 834, H.R. 1306, H.R. 2212, S. 412, S. 1001, and S. 3203.

Note: In H.R. 834, H.R. 1306, S. 412, and S. 3203, the vice chair would be "appointed by the leader of the Senate whose political party is other than the political party of the President (regardless of whether such individual is the majority or minority leader), in consultation with the leader of the House of Representatives whose political party is other than the political party of the President (regardless of whether such individual is the Speaker of the House of Representatives or the minority leader)." The table text notes the position of the appointing officials in the first session of the 117th Congress (2021).

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. Four bills (H.R. 834, H.R. 1306, S. 412, and S. 3203) would prohibit the appointment of federal, state, local, or tribal government officers or employees.[29] None of the proposed COVID-19 commission bills specify whether Members of

[29] H.R. 834, §5(b)(2); H.R. 1306, §5(b)(2); S. 412, §5(b)(2); S. 3203, §2(c)(1)(B).

Congress might serve on the commission, although each bill would likely prohibit the appointment of Members of Congress since they might be considered federal employees.

Partisan Balance in Appointment Authority

Congress structures most congressional advisory commissions to be bipartisan, with the congressional leaders of the two major parties appointing an even (or near-even) number of members. A bipartisan character may make a commission's findings and recommendations more politically acceptable to diverse viewpoints. Similarly, commission recommendations that are perceived as partisan may have difficulty gaining support in Congress.

In some cases, bipartisanship also can arguably impede a commission's ability to complete its mandate. In situations where Congress tasks a commission 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 six proposals would employ an appointment structure where leaders in both the congressional majority and minority parties would make an equal number of appointments. H.R. 2212 and S. 1001 would provide two appointments each to the Senate majority leader, Senate minority leader, Speaker of the House, and House minority leader, in addition to one presidential appointment.[30] H.R. 834, H.R. 1306, S. 412, and S. 3203 would provide two appointments each to the senior member of the majority leadership of the Senate, the senior member of the majority leadership of the House, the senior member of the minority leadership of the Senate, and the senior member of the minority leadership of the House. Additionally, the vice chair would be "appointed by the leader of the Senate whose political party is other than the political party of the President (regardless of whether such individual is the majority or minority leader), in consultation with the leader of the House of Representatives whose political party is other than the political party of the President (regardless of whether such individual is the Speaker of the House of Representatives or the minority leader)," and one appointed by the president.[31] See **Table A-1** for more specific appointment authority in each measure.

Vacancies

All six proposals would provide that commission vacancies do not affect the commission's powers and would be filled in the same manner as the original appointment.

Timeline of Actions

Congressional advisory commissions exist temporarily and have a statutorily defined timeline to complete a work product. Statutory language generally includes benchmark dates for specific tasks. The most common deadlines included in commission statutes are those for

- member appointment;[32]

[30] H.R. 2212, §4(b)(1); S. 1001, §4(b)(1).

[31] H.R. 834, §5(a); H.R. 1306, §5(a); S. 412, §5(a); S. 3203, §2(c). H.R. 834, H.R. 1306, and S. 412 would provide that the vice chair is chosen by the Senate leader of the opposite party of the President, in consultation with the House leader of the opposite party of the President. S. 3203 would provide that the vice chair is chosen by the House leader of the opposite party of the President, in consultation with the Senate leader of the opposite party of the President.

[32] Nearly all commissions require that commission members are appointed within a particular time period. Typically,

- first meeting;[33]
- report due date;[34] and
- termination of commission activities.[35]

Figure 2 reports the deadlines for the six proposed commissions.

the appointment deadlines are tied to enactment and can range from several weeks to several months. For example, the deadline for appointments to the 9/11 Commission was December 15, 2002, 18 days after enactment of the act (P.L. 107-306, 116 Stat. 2408, November 27, 2002); the deadline for the Antitrust Modernization Commission was 60 days after enactment (P.L. 107-273; 116 Stat. 1856, November 2, 2002); and the deadline for appointment to the Commission on Wartime Contracting in Iraq and Afghanistan was 120 days after enactment (P.L. 110-181; 122 Stat. 230; January 28, 2008).

[33] Most commission statutes are prescriptive in when the commission's first meeting should take place. This can ensure that the commission begins its work in a timely manner and completes its work by any reporting deadline included in the authorizing legislation.

[34] 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 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.

[35] As temporary entities, congressional advisory commissions statutorily terminate. Termination dates are often linked to a fixed period after the commission's establishment, the selection of members, or the submission date of the final report. In limited cases, some commission statutes specify a specific calendar date for termination.

Figure 2. Proposed COVID-19 Commission Deadlines

	Appointment	Initial Meeting	Interim Report	Final Report	Termination
	After enactment				After final report
H.R. 834	90 days	As soon as practicable	If commission decides	18 months from enactment	60 days
H.R. 1306	60 days	45 days after appointment of all members	If commission decides	18 months after appointment of all members	120 days
H.R. 2212	30 days	15 days after appointment of all members	Not later than 90 days after the meeting to discuss the required public comments	Not later than 90 days after conclusion of public comment period on the initial report	90 days
S. 412	60 days	45 days after appointment of all members	If commission decides	18 months after appointment of all members	120 days
S. 1001	30 days	15 days after appointment of all members	Not later than 90 days after the meeting to discuss the required public comments	Not later than 90 days after conclusion of public comment period on the initial report	90 days
S. 3203	30 days	15 days after appointment of all members	Not later than 1 year after enactment	20 months after initial meeting	90 days

Source: CRS analysis of H.R. 834, H.R. 1306, H.R. 2212, S. 412, S. 1001, and S. 3203.

Notes: Several conditions apply to the timing of interim and final reports. In H.R. 1306 (§13(e)) and S. 412 (§13(e)) "the submission and publication of the final report ... may be delayed by 90 days upon the agreement of a majority of the members of the Commission. The Commission may make not more than three 90-day extensions. The Commission shall notify the President, Congress, and the public of each such extension." In H.R. 2212 (§5(g)-(h)) and S. 1001 (§5(g)-(h)), after the commission issues its initial report, the commission would solicit public comments on the report and consult with the chair and ranking member of the House and Senate committees of jurisdiction and the heads of agencies with enforcement jurisdiction on the content of the initial report. Within 90 days of the conclusion of the comment period, the commission would issue a revised final report, including legislative language to implement the commission's recommendations. In S. 3203 (§2(j)(3)), the commission could extend the deadline for the final report by not more than 120 days with a vote of no fewer than eight commission members. The commission would not be allowed to vote for more than one extension.

Rules of Procedure and Operations

Absent statutory guidance—either in general law or in the authorizing legislation—advisory commissions have varied widely in how they adopt their rules of procedure. In general, three models exist: formal written rules, informal rules, and the reliance on norms. Individual advisory entities use all three of these models for different types of decisionmaking.

A variety of factors may influence the choice to adopt written rules or rely on informal norms to guide commission procedure. These include 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 authorizing statute. None of the six COVID-19 commission proposals would require the adoption of written rules or specify procedures for adopting rules.

Statutory language routinely specifies other rules of procedure or operations. These include quorum requirements, public access to commission meetings and reports, and the applicability of the Federal Advisory Committee Act (FACA). For a comparison of each proposed commission's specified rules of procedures and operations, see **Table A-1**.

Quorum

Most commission statutes define a quorum for commission business. Usually, the statute defines a quorum as a majority of commission members, but occasionally the statute requires a supermajority. All six bills would establish a quorum requirement. H.R. 834, H.R. 1306, S. 412, and S. 3203 would all set quorum at 6 of 10 members.[36] H.R. 2212 and S. 1001 would set quorum at 5 of 9 members.[37]

Public Access

Public access to commissions can take several forms. Most common are requirements that commission meetings be open to the public and that the commission's final report is publicly available. All six bills would require commission meetings to be open to the public.[38] Each bill would also require that commission reports are publicly available.[39]

FACA Applicability

The Federal Advisory Committee Act mandates certain structural and operational requirements, including formal reporting and oversight procedures, for certain federal advisory entities that provide advice to the executive branch.[40] Each bill would exempt the commission from FACA.[41]

Duties and Reporting Requirements

Most congressional commissions are policy commissions—temporary bodies that study particular policy problems or review a specific event and report their findings to Congress.[42]

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[36] H.R. 834, §5(c); H.R. 1306, §5(c)(3); S. 412, §5(c)(3); and S. 3203, §2(c)(3).

[37] H.R. 2212, §4(g); S. 1001, §4(g).

[38] H.R. 834, §8(b) & (d); H.R. 1306, §8(b)(1); H.R. 2212, §4(f); S. 412, §8(b)(1); S. 1001, §4(f); S. 3203, §2(f)(2)(A).

[39] H.R. 834, §8(c)(2); H.R. 1306, §13(c); H.R. 2212, §5(g)(3); S. 412, §13(c); S. 1001, §5(g)(3); S. 3203, §2(b)(2), §2(3)(5)(B), & §2(j)(1).

[40] 5 U.S.C. Appendix. For more information about the Federal Advisory Committee Act (FACA), see CRS Report R44253, *Federal Advisory Committees: An Introduction and Overview*, by Meghan M. Stuessy; and CRS Report R44232, *Creating a Federal Advisory Committee in the Executive Branch*, by Meghan M. Stuessy.

[41] H.R. 834, §8(a); H.R. 1306, §8(a); H.R. 2212, §4(h); S. 412, §8(a); S. 1001, §4(h); S. 3203, §2(f)(1).

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

General Duties

All six of the proposed commissions would have duties that are analogous to past policy commissions. While the specific mandates of each proposed commission would differ somewhat, all six proposed commissions would investigate aspects of the COVID-19 pandemic and submit one or more reports to Congress and the President. Generally, the reports would include the commission's findings, conclusions, and recommendations for legislative action.[43] **Table 1** reports the general duties of the six proposed commissions (excerpted from the Congress.gov summaries of each measure).

Table 1. General Duties of Proposed COVID-19 Commissions, 117th Congress

Bill	General Duties
H.R. 834	Investigate and report on the nation's preparedness for and response to the COVID-19 (i.e., coronavirus disease 2019) pandemic (§§3, 4, & 6).
H.R. 1306	Investigate the facts and circumstances surrounding the COVID-19 (i.e., coronavirus disease 2019) pandemic. This investigation must include the preparedness for and response to the disease by federal, state, territorial, tribal, and local governments (§§4 & 6).
H.R. 2212	Make recommendations and propose legislation for modification, consolidation, harmonization, or repeal of regulations to reduce compliance costs, encourage growth and innovation, improve competitiveness, and protect public safety. The commission must give priority to regulations (1) the repeal or modification of which may assist recovery or response to the COVID-19 (i.e., coronavirus disease 2019) pandemic and future pandemics, (2) that impose disproportionately high costs on a small entity, (3) that create substantial recurring paperwork burdens or transaction costs, or (4) that could be made more effective while reducing regulatory costs (§§2 & 5).
S. 412	Investigate the facts and circumstances surrounding the COVID-19 (i.e., coronavirus disease 2019) pandemic. This investigation must include the preparedness for and response to the disease by federal, state, territorial, tribal, and local governments (§§4 & 6).
S. 1001	Make recommendations and propose legislation for modification, consolidation, harmonization, or repeal of regulations to reduce compliance costs, encourage growth and innovation, improve competitiveness, and protect public safety. The commission must give priority to regulations (1) the repeal or modification of which may assist recovery or response to the COVID-19 (i.e., coronavirus disease 2019) pandemic and future pandemics, (2) that impose disproportionately high costs on a small entity, (3) that create substantial recurring paperwork burdens or transaction costs, or (4) that could be made more effective while reducing regulatory costs (§§2 & 5).
S. 3203	Investigate the facts and circumstances surrounding the COVID-19 (i.e., coronavirus disease 2019) pandemic. The investigation must include preparedness for and responses to the disease by federal, state, territorial, tribal, and local governments (§§2(b) & (d)).

Source: Congress.gov legislative summaries and CRS analysis of bill text.

Reports

Each proposed commission would issue reports detailing its findings, conclusions, and recommendations. Reports generally take on two forms: interim reports and final reports. Interim or initial reports allow the commission to provide an update(s) to Congress and the President on the status of its activities or otherwise publish information on aspects of the commission's work.

[43] H.R. 834, §12; H.R. 1306, §13(a)-(e); H.R. 2212, §5(h); S. 412, §13(a)-(e); S. 1001, §5(h); S. 3203, §2(j).

H.R. 2212, S. 1001, and S. 3203 would all require some form of interim report.[44] H.R. 834, H.R. 1306, and S. 412 would make interim report(s) optional.[45]

Final reports provide details of the commission's work, findings, and recommendations. In some cases, suggested legislative language accompanies the final reports. Each of the six commissions would be required to submit a final report to Congress and the President.[46] H.R. 2212 and S. 1001 would require the commission to issue a report, consult with the chair and ranking members of relevant House and Senate Committees, solicit public feedback, and subsequently make final report adjustments.[47]

Commissions are generally required to submit their final report within a specific timeframe. Each of the six proposed commissions would have a specified time limit on submitting its final report. Those timeframes are listed in **Figure 2**.

Expedited Procedures

Congress sometimes enacts expedited, or "fast track," rules in law providing for the consideration of legislation in one or both chambers. These statutory provisions contemplate that the House and Senate will consider certain bills or resolutions under expedited procedures instead of the regular parliamentary procedures used to consider most legislation.[48] Such expedited procedures are sometimes included in the authorizing language creating congressional advisory commissions, and establish special procedures for committee and floor action on the commission's recommendations.[49] Such procedures establish strict deadlines on committee consideration of a bill embodying the commission's recommendations and limit debate and amendment on the measure when it is considered on the chamber floor. Significantly, such "fast track" procedures allow a simple majority of the Senate to call up and reach a final vote on a commission bill without having to assemble a supermajority to end debate (invoke cloture).

Two commission bills (H.R. 2212 and S. 1001) contain expedited procedures providing for the consideration of "recommended legislative language to implement the recommendations" contained in the commission's final report.[50]

Commission Powers

Each of the six bills would provide the proposed commission with certain powers (see **Table A-1** for specifics). One broad issue for commissions is who might be authorized to execute such powers. In general, 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

[44] H.R. 2212, §5(g)(1); S. 1001, §5(g)(1); S. 3203, §2(j)(1).

[45] H.R. 834, §12(a); H.R. 1306, §13(a); S. 412, §13(a).

[46] H.R. 834, §12(b); H.R. 1306, §13(b); H.R. 2212, §5(h); S. 412, §13(b); S. 1001, §5(h); S. 3203, §2(j)(3)(A).

[47] H.R. 2212, §5(g)(5) & §5(h); S. 1001, §5(g)(5) & §5(h).

[48] For more information on expedited or "fast-track" legislative procedures, see CRS Report RS20234, *Expedited or "Fast-Track" Legislative Procedures*, by Christopher M. Davis.

[49] For example, see CRS Report R43102, *"Fast Track" Legislative Procedures Governing Congressional Consideration of a Defense Base Closure and Realignment (BRAC) Commission Report*, by Christopher M. Davis.

[50] H.R. 2212, §5(i); S. 1001, §5(i).

subcommittees or individual commission members.[51] Finally, the legislation itself might grant certain powers to individual members of the commission, such as the chair.[52]

Hearings and Evidence

Commissions commonly hold meetings to collect information and hear testimony from outside experts or government officials in the course of conducting a study. All six bills would provide the proposed commission with the power to hold hearings, take testimony, and receive evidence.[53] Four commission bills (H.R. 834, H.R. 1306, S. 412, and S. 3203) would provide the power to administer oaths to witnesses.[54]

Subpoenas

On occasion, Congress grants a congressional advisory commission subpoena authority to help the commission gather information. Congressional commission subpoena authority is relatively infrequent. Since the 101st Congress (1989-1990), CRS has identified 12 congressional commissions as having subpoena authority.[55]

Four of the bills would provide the commission subpoena power. H.R. 834, H.R. 1306, S. 412, and S. 3203 would provide that subpoenas could only be issued by either (1) agreement of the chair and vice chair, or (2) an affirmative vote of a specified number of commissioners.[56] H.R. 834 and S. 3203 would require six commissioners to vote to issue a subpoena. H.R. 1306 and S. 412 would require an affirmative majority vote.

Administrative Support

All six bills would provide that the commission may obtain administrative support services from the General Services Administration (GSA). GSA provides administrative support to dozens of federal entities, including congressional advisory commissions.[57] Each of the six bills would

[51] 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)].

[52] 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)].

[53] H.R. 834, §7(a)(1); H.R. 1306, §7(a)(1); H.R. 2212, §6(a); S. 412, §7(a); S. 1001, §6(a); S. 3203, §2(e)(1)(A).

[54] H.R. 834, §7(a)(1)(A); H.R. 1306, §7(a)(1)(a); S. 412, §7(a)(1)(A); S. 3203, §2(e)(1)(A)(i).

[55] The 12 commissions are as follows: National Commission on Financial Institution Reform, Recovery, and Enforcement (P.L. 101-647, §2553), Commission on Protecting and Reducing Government Secrecy (P.L. 103-236, §904), National Commission on Restructuring the Internal Revenue Service (P.L. 104-52), National Gambling Impact Study Commission (P.L. 104-169, §3), National Commission for the Review of the National Reconnaissance Office (P.L. 106-120, §702), National Commission on Terrorist Attacks Upon the United States (P.L. 107-306, §603), National Commission for the Review of Research and Development Programs of the United States Intelligence Community (P.L. 107-306, §1002), National Prison Rape Reduction Commission (P.L. 108-79, §7), Human Space Flight Independent Investigation Commission (P.L. 109-155, §825), Financial Crisis Inquiry Commission (P.L. 111-21, §5), Cyberspace Solarium Commission (P.L. 115-232, §1652), and Commission on the State of the U.S. Olympics and Paralympics (P.L. 116-189, §11).

[56] H.R. 834, §7(a)(2), H.R. 1306, §7(a)(2), S. 412, §7(a)(2), S. 3203, §2(e)(1)(B).

[57] U.S. General Services Administration, "Presidential & Congressional Commission, Boards or Small Agencies," at

provide that the commission reimburse GSA for its services.[58] Two bills (H.R. 2212 and S. 1001) would also provide that the commission may obtain space for the commission from the Architect of the Capitol.[59] Four bills (H.R. 834, H.R. 1306, S. 412, and S. 3203) also specify that other departments or agencies could provide the commission with funds, facilities, staff, and other services.[60]

Other Powers

Commissions generally require statutory authority to engage in certain activities. These might include information gathering, contracting, using the U.S. mail in the same manner as an executive branch agency, or accepting donations or gifts. **Figure 3** lists common commission powers included in the six commission bills.

Figure 3. COVID-19 Commissions: Other Common Powers

Power	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
Administrative Support from GSA	§7(d)(1)	§7(d)(1)	§7(f)	§7(d)(1)	§7(f)	§2(e)(4)(A)
Obtain Space from Architect of the Capitol			§6(e)		§6(e)	
Assistance from Federal Agencies	§7(d)(2)	§7(d)(2)		§7(d)(2)		§2(e)(4)(C)
U.S. Mail	§7(f)	§7(f)	§6(c)	§7(f)	§6(c)	§2(e)(7)
Contracting	§7(b)	§7(b)	§7(e)	§7(b)	§7(e)	§2(e)(2)
Gift or Donation Acceptance	§7(e)	§7(e)	§6(d)	§7(e)	§6(d)	§2(e)(6)
Information from Federal Agencies	§7(d)(2)	§7(c)	§6(b)	§7(d)(2)	§6(b)	§2(e)(3)
Procurement of Temporary and Intermittent Services			§7(d)		§7(d)	
Declassification of Materials Review						§2(e)(5)

Source: CRS analysis of commission bills.

https://www.gsa.gov/resources-for/presidential-congressional-commissions-boards-or-small-agencies.

[58] H.R. 834, §7(d)(1); H.R. 1306, §7(d)(1); H.R. 2212, §§6(e) & 7(f); S. 412, §7(d)(1); S. 1001, §§6(e) & 7(f); S. 3203, §2(e)(4)(A).

[59] H.R. 2212, §6(e); S. 1001, §6(e).

[60] H.R. 834, §7(d)(2); H.R. 1306, §7(d)(2); S. 412, §7(d)(2); S. 3203, §2(e)(4)(C).

Staffing

Commission statutes generally authorize the commission to hire staff. Rather than mandate a specific staff size, many commission statutes specifically authorize the appointment of a staff director and provide the commission authority to hire other personnel as necessary, subject to the limitations of available funds. Most congressional commission statutes also authorize the commission to hire consultants, procure intermittent services, and request that federal agencies detail personnel to aid the commission's work. Each of the COVID-19 commission proposals contains staffing provisions commonly found in congressional advisory commission legislation.

Director and Commission Staff

All six bills would provide that the commission may hire staff without regard to certain competitive service laws and would limit staff salaries to level V of the Executive Schedule.[61] Several other staffing features are included in the bills. They are as follows:

- Two bills (H.R. 1306 and S. 412) would require that staff be nonpartisan.[62]
- Two bills (H.R. 2212 and S. 1001) would require that the "executive director of the Commission shall be subject to confirmation by the Commission."[63]
- Two bills (H.R. 2212 and S. 1001) would require that the Congressional Accountability Act of 1995 apply to the commission and its employees.[64]

Detailees

When authorized, some commissions may have federal agency staff detailed to the commission. All six bills would authorize the detail of federal employees to the commission, without reimbursement.[65]

Experts and Consultants

All six bills would provide the commission with the authority to hire experts and consultants. Four bills (H.R. 834, H.R. 1306, S. 412, and S. 3203) would limit the rate of pay for consultants to level IV of the Executive Schedule.[66] Two bills (H.R. 2212 and S. 1001) would limit the rate of pay for consultants to level V of the Executive Schedule.[67]

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[61] H.R. 834, §9(a); H.R. 1306, §10(a)(1); H.R. 2212, §7(c); S. 412, §10(a)(1); S. 1001, §7(c)(3); S. 3203, §2(g)(1)(A). For 2021, level V of the Executive Schedule is $161,700. For more information, see "Salary Table No. 2021-EX," at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/EX.pdf.

[62] H.R. 1306, §10(a)(2); S. 412, §10(a)(2).

[63] H.R. 2212, §7(c)(1); S. 1001, §7(c)(2).

[64] H.R. 2212, §7(g); S. 1001, §7(g). For more information on the Congressional Accountability Act of 1995, see CRS Legal Sidebar LSB10384, *The Congressional Accountability Act of 1995 Reform Act: An Overview*, by Christine J. Back; and CRS In Focus IF10775, *Office of Compliance: Background Information*, by Ida A. Brudnick.

[65] H.R. 834, §9(b); H.R. 1306, §10(b); H.R. 2212, §7(c)(3); S. 412, §10(b); S. 1001, §7(c)(3); S. 3203, §2(g)(2).

[66] H.R. 834, §9(c); H.R. 1306, §10(c); S. 412, §10(c); S. 3203, §2(g)(3).

[67] H.R. 2212, §7(d); S. 1001, §7(d).

Security Clearances

Four bills (H.R. 834, H.R. 1306, S. 412, and S. 3203) would require federal agencies and departments to cooperate with the commission to provide members and staff appropriate security clearances.[68]

Funding and Costs

Commissions generally require funding to meet their statutory goals. When designing a commission, policymakers might consider both how Congress might fund the commission and how much money the commission would be authorized to receive. Factors that might affect commission expenditures, and therefore funding, include member and staff salaries and benefits, contracting, administrative support reimbursement, the number of meetings, and travel expenditures. A commission's duration can also significantly affect its cost; past congressional commissions have been designed to last anywhere from several months to several years.[69]

All six proposals specify a commission funding mechanism. Four bills (H.R. 834, H.R. 2212, S. 1001, and S. 3203) would authorize the appropriation of "such sums as may be necessary" for the commission, with the money available for the life of the commission.[70] Two bills (H.R. 834 and S. 3203) further specify that if the commission requires additional funds, the chair must notify Congress.[71] Two bills (H.R. 1306 and S. 412) would authorize $50 million, with the money available until expended.[72]

[68] H.R. 834, §11; H.R. 1306, §12; S. 412, §12; S. 3203, §2(i).

[69] For more information on commission funding, see CRS Report R45826, *Congressional Commissions: Funding and Expenditures*, coordinated by Jacob R. Straus.

[70] H.R. 834, §13(a); H.R. 2212, §9; S. 1001, §9; S. 3203, §2(l)(1).

[71] H.R. 834, §13(c); S. 3203, §2(l)(3).

[72] H.R. 1306, §14; S. 412, §14.

Appendix. Comparison of Proposals to Create a COVID-19 Commission

Table A-1 provides a side-by-side comparison of major provisions of the six bills analyzed in this report to create a congressional advisory commission on COVID-19. For each bill, **Table A-1** compares the membership structure, appointment structure, rules of procedure and operation, duties and reporting requirements, proposed commission powers, staffing provisions, and funding.

Table A-1. Comparison of 117th Congress Proposals to Create a Congressional Advisory Commission on COVID-19

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
Commission Name	National Commission on the COVID–19 Pandemic	Commission on the Coronavirus Pandemic in the United States	Pandemic Preparedness, Response, and Recovery Commission	Commission on the Coronavirus Pandemic in the United States	Pandemic Preparedness, Response, and Recovery Commission	National Commission on the COVID–19 Pandemic
Total Members	10	10	9	10	9	10
Appointments	1 (chair) by the President; 1 (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 majority party leadership; 2 by the senior member of the House majority party leadership; 2 by the senior member of the Senate minority party leadership; and 2 by the senior member of the House minority party leadership. §5(a)	1 (chair) by the President; 1 (vice chair) by the leader of the Senate of the party opposite the President in consultation with the House leader from the same party; 2 by the senior member of the Senate Democratic Party leadership; 2 by the senior member of the Senate Republican Party leadership; 2 by the senior House Republican Party leadership; and 2 by the senior House Democratic Party leadership. §5(a)	1 (chair) by the President 2 by Senate majority leader; 2 by Senate minority leader; 2 by Speaker of the House; and 2 by the House minority leader. §4(b)(1)	1 (chair) by the President; 1 (vice chair) by the leader of the Senate of the party opposite the President in consultation with the House leader from the same party; 2 by the senior member of the Senate Democratic Party leadership; 2 by the senior member of the Senate Republican Party leadership; 2 by the senior member of the House Democratic Party leadership; and 2 by the senior member of the House Republican Party leadership. §5(a)	1 (chair) by the President; 2 by Senate majority leader; 2 by Senate minority leader; 2 by Speaker of the House; and 2 by the House minority leader. §4(b)(1)	1 (chair) by the President; 1 (vice chair) by the leader of the House of the party opposite the President, in consultation with the leader of the Senate party opposite the President; 2 by the senior member of the Senate Democratic Party; 2 by the senior member of the House Republican Party; 2 by the senior member of the Senate Republican Party; and

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
						2 by the senior member of the House Democratic Party. §2(c)
Commissioner Compensation and Travel Expenses	Commission members may receive compensation not to exceed level IV of the Executive Schedule. §10(a) Travel expenses reimbursed. §10(b)	Commission members may receive compensation not to exceed level IV of the Executive Schedule. §11(a) Travel expenses reimbursed. §11(b)	Commission members may receive compensation at level IV of the Executive Schedule. §7(a) Travel expenses reimbursed. §7(b)	Commission members may receive compensation not to exceed level IV of the Executive Schedule. §11(a) Travel expenses reimbursed. §11(b)	Commission members may receive compensation at level IV of the Executive Schedule. §7(a) Travel expenses reimbursed. §7(b)	Commission members may receive compensation not to exceed level IV of the Executive Schedule. §2(h)(1) Travel expenses reimbursed. §2(h)(2)
Partisan Balance	Each major political party shall be represented by not fewer than 5 members (out of 10). §5(b)(1)	Not more than 5 members (out of 10) from the same political party. §5(b)(1)	Not more than 5 members (out of 9) from the same political party. §4(b)(4)	Not more than 5 members (out of 10) from the same political party. §5(b)(1)	Not more than 5 members (out of 9) from the same political party. §4(b)(4)	Not more than 5 members (out of 10) from the same political party. §2(c)(2)(a)
Other Commissioner Qualifications	No officers or employees of federal, state, or local governments. §5(b)(2) Sense of Congress that commissioners should be prominent U.S. citizens, with national recognition	No officers or employees of federal, state, tribal, local, or territorial governments, except state employees at a public institution of higher education or state-funded research institute; nor have held a federal government position	Chair shall be an individual with expertise and experience in rulemaking. §4(b)(3)(A) Members shall be prominent U.S. citizens with national recognition and a	No officers or employees of the federal, state, tribal, local, or territorial government, except state employees at a public institution of higher education or state-funded research institute; nor have held a federal government position	Chair shall be an individual with expertise and experience in rulemaking. §4(b)(3)(A) Members shall be prominent U.S. citizens with national recognition and a	No officers or employees of federal, state, or local governments. §2(c)(2)(B) Members cannot have conflicts of interest.

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
	and significant experience and expertise in such professions as governmental service, science, health, law, public administration, intelligence gathering, commerce, logistics, and foreign affairs. §5(b)(3) Member cannot have conflicts of interest. §5(b)(4); §9(d)	that dealt with the COVID-19 pandemic. §5(b)(2) Members appointed by each political party should include one former governor, one public health expert, and one economic policy expert. §5(b)(4)(A) Sense of Congress that commissioners be prominent U.S. citizens with national recognition and significant experience in such professions as governmental service, public health, global health, infectious diseases, pandemic preparedness and response, humanitarian response and relief, scientific research, public administration, intelligence gathering, commerce, national security, and foreign affairs. §5(b)(4)(B)	significant depth of experience in matters relating to government service, regulatory policy, public health, economics, federal agency management, public administration, and law. §4(b)(3)(B)	that dealt with the COVID-19 pandemic. §5(b)(2) Members appointed by each political party should include one former governor, one public health expert, and one economic policy expert. §5(b)(4)(A) Sense of Congress that commissioners be prominent U.S. citizens with national recognition and significant experience in such professions as governmental service, public health, global health, infectious diseases, pandemic preparedness and response, humanitarian response and relief, scientific research, public administration, intelligence gathering, commerce, national security, and foreign affairs. §5(b)(4)(B)	significant depth of experience in matters relating to government service, regulatory policy, public health, economics, federal agency management, public administration, and law. §4(b)(3)(B)	§2(c)(2)(C)

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
Deadline for Appointment	Appointments to be made within 90 days of enactment. §5(b)(5)	Appointments to be made within 60 days of enactment. §5(b)(5)	Appointments to be made with 30 days of enactment. §4(b)(2)	Appointments to be made within 60 days of enactment. §5(b)(5)	Appointments to be made within 30 days of enactment. §4(b)(2)	Appointments to be made within 30 days of enactment. §2(c)(2)(D)
Chairperson Selection	Chair appointed by the President. Vice chair appointed by leader of the Senate party opposite the President in consultation with the leader of the House party opposite the President. §5(a)	Chair appointed by President Vice chair by the Senate leader of the party opposite the President in consultation with the House leader of the same party. §5(a)	Chair appointed by the President. §4(b)(1)	Chair appointed by the President. Vice chair by the Senate leader of the party opposite the President in consultation with the House leader of the same party. §5(a)	Chair appointed by the President. §4(b)(1)	Chair appointed by the President. Vice chair by the leader of the House of the party opposite the President in consultation with the leader of the Senate party opposite the President. §2(c)
First Meeting	As soon as practicable. §5(b)(6)	Within 45 days after the appointment of all commission members. §5(c)(1)	Not later than 15 days after the appointment of all commission members. §4(c)	Within 45 days after the appointment of all commission members. §5(c)(1)	Not later than 15 days after the appointment of all commission members. §4(c)	As soon as practicable, but not later than 15 days after appointment of all commission members. §2(c)(2)(E) Meetings should be in person, unless in-person meetings would pose a health risk or significant

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
						practical challenges. §2(c)(4)
Rules of Procedure	Six members constitute a quorum. §5(c) Findings, conclusions, and recommendations contained in final reports must be agreed to by a majority of members. §12(b)	Commission shall meet upon the call of the chair or a majority of members. §5(c)(2) Six members constitute a quorum. §5(c)(3)	Commission shall meet at the call of the chair. §4(e) Five members constitute a quorum. §4(g) Initial report approved by not fewer than five members. §5(g)(2)	Commission shall meet upon the call of the chair or a majority of members. §5(c)(2) Six members constitute a quorum. §5(c)(3)	Commission shall meet at the call of the chair. §4(e) Five members constitute a quorum. §4(g) Initial report approved by not fewer than five members. §5(g)(2)	Commission shall meet at the call of the chair or a majority of members. §2(c)(3) Six members constitute a quorum. §2(c)(3)
Powers	Hold hearings and gather evidence. Issue subpoenas. Contracting authority. Obtain information from federal agencies. Obtain administrative support from GSA and other agencies.	Hold hearings and gather evidence. Issue subpoenas. Contracting authority. Obtain information from federal agencies. Obtain administrative support from GSA and other agencies.	Hold hearings and gather evidence. Obtain information from federal agencies. Obtain administrative support from Architect of the Capitol and GSA. Accept and use gifts of services or property.	Hold hearings and gather evidence. Issue subpoenas. Contracting authority. Obtain information from federal agencies. Obtain administrative support from GSA and other agencies.	Hold hearings and gather evidence. Obtain information from federal agencies. Obtain administrative support from Architect of the Capitol and GSA. Accept and use gifts of services or property.	Hold hearings and gather evidence. Issue subpoenas. Contracting authority. Obtain information from federal, state, local and tribal governments.

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
	Accept and use gifts of services or property. Utilize postal service in the same manner as federal agencies. §7	Accept and use gifts of services or property. Utilize postal service in the same manner as federal agencies. §7	Utilize postal service in the same manner as federal agencies. §6	Accept and use gifts of services or property. Utilize postal service in the same manner as federal agencies. §7	Utilize postal service in the same manner as federal agencies. §6 Solicit public comments and conduct outreach. §5(c)-(d)	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)
Subpoena Process	Subpoena may be issued with the agreement of the chair and vice chair, or a vote of six commissioners. §7(a)(2)	Subpoena may be issued with the agreement of the chair and vice chair, or a vote by majority of commissioners. §7(a)(2)	No provision	Subpoena may be issued with the agreement of the chair and vice chair, or a vote by majority of commissioners. §7(a)(2)	No provision-	Subpoena may be issued by agreement of the chair and vice chair, or a vote of six commissioners. §2(e)(1)(B)
Reporting Requirements	Final report to be submitted to Congress and the President within 18 months of enactment. May submit interim reports to Congress and the President. §12	Final report to be submitted to Congress and the President within 18 months of the date of appointment of all commission members. May submit interim report.	Initial report not later than 90 days after commission meeting to review public comments. Final report to Congress within 90 days of the end of 60-day (second) comment period on the initial report.	Final report to be submitted to Congress and the President within 18 months of the date of appointment of all commission members. May submit interim report.	Initial report not later than 90 days after commission meeting to review public comments. Final report to Congress within 90 days of the end of 60-day (second) comment period on the initial report.	Interim report to Congress and the President not later than one year after enactment. Final report within 20 months of the commission's first meeting.

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
		Final report may be delayed by 90 days by a majority vote. Commission can vote to extend final report up to three times. §13	§5(g)-(h)	Final report may be delayed by 90 days by a majority vote. Commission can vote to extend final report up to three times. §13	§5(g)-(h)	Final report can be delayed not more than 120 days with a vote of no fewer than eight members. Only one extension is available and the commission must notify Congress and the President. §2
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. Personnel are federal employees. Staff compensation may not exceed level V of the Executive Schedule. §9(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 is nonpartisan. Personnel are federal employees. Staff compensation may not exceed level V of the Executive Schedule.	Chair may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation may not exceed level V of the Executive Schedule. §7(c)	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 is nonpartisan. Personnel are federal employees. Staff compensation may not exceed level V of the Executive Schedule.	Chair may appoint and fix compensation of staff, without regard to certain civil service laws. Staff compensation may not exceed level V of the Executive Schedule. §7(c)	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. Personnel are federal employees. Staff compensation

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
		§10(a)		§10(a)		may not exceed level V of the Executive Schedule. §2(g)(1)
Detailees	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 agency. §10(b)	Federal employees may be detailed to the commission without reimbursement to their home agency. §7(c)(3)	Federal employees may be detailed to the commission without reimbursement to their home agency. §10(b)	Federal employees may be detailed to the commission without reimbursement to their home agency. §7(c)(3)	Federal employees may be detailed to the commission without reimbursement to their home agency. §2(g)(2)
Consultants	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. §10(c)	No provision	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §10(c)	No provision	Commission may procure services of experts and consultants at daily rates not to exceed level IV of the Executive Schedule. §2(g)(3)
Termination	60 days after final report submitted. §12(c)	120 days after final report submitted. §13(f)	90 days after final report submitted. §8	120 days after final report submitted. §13(f)	90 days after final report submitted. §8	90 days after final report submitted. §2(k)
Funding	Authorize appropriation of such sums as necessary, available until termination. §13	Authorize $50 million, available until termination. §14	Authorize appropriation of such sums as necessary, without fiscal year limitation. §9	Authorize $50 million, available until termination. §14	Authorize appropriation of such sums as necessary, without fiscal year limitation. §9	Authorize appropriation of such sums as necessary, available until termination.

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
						§2(l)
FACA Applicability	FACA shall not apply to the commission. §8(a)	FACA shall not apply to the commission. §8(a)	FACA shall not apply to the commission. §4(h)	FACA shall not apply to the commission. §8(a)	FACA shall not apply to the commission. §4(h)	FACA shall not apply to the commission. §2(f)(1)
Other Features	Hold public meetings and hearings to the extent appropriate. §8(b)&(d) Maintain and dispose of records the same as federal agencies. §8(c) Federal agencies will help with security clearances for members and staff. §11	Hold public meetings and hearings. §8(b)-(c) Preserve the records of the commission and provide to National Archives not later than 120 days after final report submission. §9 Federal agencies will help with security clearances for members and staff. §12 GAO monitors the implementation of commission recommendations and reports to Congress one year after report issued. §13(g)	Hold public meetings and hearings. §4(f) Expedited procedures in Congress for legislative recommendations. §5(i) May request GAO and OIRA assistance. §7(c)(4) Congressional Accountability Act of 1995 shall apply to the commission and its employees. §7(g) Requirements for public comments and consultation with Congress §5	Hold public meetings and hearings. §8(b) Preserve the records of the commission and provide to National Archives not later than 120 days after final report submission. §9 Federal agencies will help with security clearances for members and staff. §12 GAO monitors the implementation of commission recommendations and reports to Congress one year after report issued. §13(g)	Hold public meetings and hearings. §4(f) Expedited procedures in Congress for legislative recommendations. §5(i) May request GAO and OIRA assistance. §7(c)(4) Congressional Accountability Act of 1995 shall apply to the commission and its employees. §7(g) Requirements for public comments and consultation with Congress §5	Hold public meetings and hearings. §2(f)(2) Federal agencies will help with security clearances for members and staff. §2(i)

	H.R. 834	H.R. 1306	H.R. 2212	S. 412	S. 1001	S. 3203
		Hire an ethics counsel and submit to Congress a detailed plan for identifying and resolving conflicts of interest. §4(b)(3)		Hire an ethics counsel and submit to Congress a detailed plan for identifying and resolving conflicts of interest. §4(b)(3)		

Source: CRS analysis of H.R. 834, H.R. 1306, H.R. 2212, S. 412, S. 1001, S. 3203.

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