116TH CONGRESS  
2d Session

S. ______

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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Science and Trans-
5 parency Over Politics Act”.

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

(a) APPOINTMENT OF THE TASK FORCE.—

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

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

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

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

(2) not later than January 31, 2021, and every
6 months thereafter, until the date that is 6 months
after the end of the time period described in sub-
section (f), submit a report of the findings of such
investigation to the Committees on Health, Edu-
cation, Labor, and Pensions and Homeland Security
and Governmental Affairs of the Senate and the
Committees on Energy and Commerce and Over-
sight and Reform of the House of Representatives.

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

(1) emails and other records of communications, including—

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

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

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

(3) other information, as the Task Force deter-
mines appropriate.
(d) Obstruction of Investigation.—The Task Force shall notify, in writing, the Committees on Health, Education, Labor, and Pensions and Homeland Security and Governmental Affairs of the Senate; the Committees on Energy and Commerce and Oversight and Reform of the House of Representatives; and the Pandemic Response Accountability Committee of any obstruction, prevention, or delay of information or communication requested pursuant to the investigation under subsection (b), not later than 30 days after the Task Force first requested the information or communication. The notification shall include—

(1) a description of the information or communication sought;

(2) the date on which such information or communication was first requested;

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

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

(e) Definition.—For purposes of this section, the term “political interference with decisions made by sci-
entific agencies of the Health and Human Services’ includes any significant action by the executive branch of the Federal Government to—

(1) pressure the Food and Drug Administration to reach a certain outcome related to a drug, device, or biological product for the diagnosis, cure, mitigation, treatment, or prevention of COVID–19;

(2) pressure such agency to make a decision related to a drug, device, or biological product for the diagnosis, cure, mitigation, treatment, or prevention of COVID–19 within a certain timeframe;

(3) prevent such agency from taking an action related to a drug, device, or biological product for the diagnosis, cure, mitigation, treatment, or prevention of COVID–19, or from taking such action within a particular timeframe;

(4) make a decision for the Food and Drug Administration related to a drug, device, or biological product for the diagnosis, cure, mitigation, treatment, or prevention of COVID–19 that the Food and Drug Administration would make itself in the ordinary course;

(5) pressure the Centers for Disease Control and Prevention or any other scientific agency of the Department of Health and Human Services to re-
lease, withhold, or modify public health guidance, data, information, or publications related to COVID–19 in a manner that is inconsistent with the conclusion reached by the relevant senior career scientists;

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

(7) otherwise influence decisions by scientific agencies of the Department of Health and Human Services in a manner that is inconsistent with strengthening the Nation’s COVID–19 response, including with respect to reducing morbidity and mortality related to COVID–19.

(f) Time Period.—The time period described in this subsection is the period beginning on the effective date 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 ending on the last day of such public health emergency.

(g) **Clarification.**—Nothing in this section shall prevent the Task Force from releasing any information before January 31, 2021, or before a full report is complete, if the Task Force determines that the release of such information is in the public interest.

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