

116TH CONGRESS  
2D SESSION

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

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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. KAINES, 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 \_\_\_\_\_

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**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”.

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

4       (a) APPOINTMENT OF THE TASK FORCE.—

5                 (1) IN GENERAL.—The Pandemic Response Ac-  
6         countability Committee established under section  
7         15010 of the Coronavirus Aid, Relief, and Economic  
8         Security Act (Public Law 116–136), shall appoint,  
9         not later than 1 month after the date of enactment  
10       of this Act, the Task Force of the Pandemic Re-  
11       sponse Accountability Committee (referred to in this  
12       section as the “Task Force”), which shall consist of  
13       5 members of the Pandemic Response Accountability  
14       Committee.

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

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

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

24               (2) not later than January 31, 2021, and every  
25       6 months thereafter, until the date that is 6 months  
26       after the end of the time period described in sub-

1       section (f), submit a report of the findings of such  
2       investigation to the Committees on Health, Edu-  
3       cation, Labor, and Pensions and Homeland Security  
4       and Governmental Affairs of the Senate and the  
5       Committees on Energy and Commerce and Over-  
6       sight and Reform of the House of Representatives.

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

9                   (1) emails and other records of communica-  
10       tions, including—

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

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

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

24                          (3) other information, as the Task Force deter-  
25       mines appropriate.

1           (d) OBSTRUCTION OF INVESTIGATION.—The Task  
2 Force shall notify, in writing, the Committees on Health,  
3 Education, Labor, and Pensions and Homeland Security  
4 and Governmental Affairs of the Senate; the Committees  
5 on Energy and Commerce and Oversight and Reform of  
6 the House of Representatives; and the Pandemic Response  
7 Accountability Committee of any obstruction, prevention,  
8 or delay of information or communication requested pur-  
9 suant to the investigation under subsection (b), not later  
10 than 30 days after the Task Force first requested the in-  
11 formation or communication. The notification shall in-  
12 clude—

13                 (1) a description of the information or commu-  
14 nication sought;

15                 (2) the date on which such information or com-  
16 munication was first requested;

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

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

24           (e) DEFINITION.—For purposes of this section, the  
25 term “political interference with decisions made by sci-

1 entific agencies of the Health and Human Services” in-  
2 cludes any significant action by the executive branch of  
3 the Federal Government to—

4                 (1) pressure the Food and Drug Administration  
5                 to reach a certain outcome related to a drug, device,  
6                 or biological product for the diagnosis, cure, mitiga-  
7                 tion, treatment, or prevention of COVID–19;

8                 (2) pressure such agency to make a decision re-  
9                 lated to a drug, device, or biological product for the  
10                 diagnosis, cure, mitigation, treatment, or prevention  
11                 of COVID–19 within a certain timeframe;

12                 (3) prevent such agency from taking an action  
13                 related to a drug, device, or biological product for  
14                 the diagnosis, cure, mitigation, treatment, or preven-  
15                 tion of COVID–19, or from taking such action with-  
16                 in a particular timeframe;

17                 (4) make a decision for the Food and Drug Ad-  
18                 ministration related to a drug, device, or biological  
19                 product for the diagnosis, cure, mitigation, treat-  
20                 ment, or prevention of COVID–19 that the Food  
21                 and Drug Administration would make itself in the  
22                 ordinary course;

23                 (5) pressure the Centers for Disease Control  
24                 and Prevention or any other scientific agency of the  
25                 Department of Health and Human Services to re-

1       lease, withhold, or modify public health guidance,  
2       data, information, or publications related to  
3       COVID–19 in a manner that is inconsistent with the  
4       conclusion reached by the relevant senior career sci-  
5       entists;

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

14                 (7) otherwise influence decisions by scientific  
15       agencies of the Department of Health and Human  
16       Services in a manner that is inconsistent with  
17       strengthening the Nation’s COVID–19 response, in-  
18       cluding with respect to reducing morbidity and mor-  
19       tality related to COVID–19.

20       (f) TIME PERIOD.—The time period described in this  
21      subsection is the period beginning on the effective date  
22      of the public health emergency declared by the Secretary  
23      of Health and Human Services under section 319 of the  
24      Public Health Service Act (42 U.S.C. 247d) on January

1 31, 2020, with respect to COVID–19, and ending on the  
2 last day of such public health emergency.

3 (g) CLARIFICATION.—Nothing in this section shall  
4 prevent the Task Force from releasing any information  
5 before January 31, 2021, or before a full report is com-  
6 plete, if the Task Force determines that the release of  
7 such information is in the public interest.

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