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House Democrats Will Extend Historic Oversight Subcommittee on the Coronavirus Crisis into the 117th Congress

On December 29, Speaker of the House Nancy Pelosi (D-CA) announced that the Select Subcommittee on the Coronavirus Crisis will extend its work into the 117th Congress under the continued leadership of Chairman and Majority Whip Jim Clyburn (D-SC).¹ With broad investigative authorities² and powerful leadership, the Subcommittee has emerged as the most active and aggressive of the various congressionally established pandemic oversight entities to date, launching over 30 investigations since April 2020 (many of them ongoing). Speaker Pelosi lauded Chairman Clyburn's leadership in her announcement, stating that the Subcommittee "will continue to be a vital force in our work to crush the virus and deliver relief as urgently, efficiently and effectively as possible."³

In October, the Subcommittee issued a highly critical interim report asserting that its findings "demonstrate that the Trump Administration's response to the coronavirus pandemic is among the worst failures of leadership in American history."⁴ Describing the Administration's response as "inefficient, ineffective, and inequitable," the Subcommittee signaled key areas we expect to be of continued focus going forward. Leveraging its significant investigative authorities, including the power to issue subpoenas and compel witness testimony, the Subcommittee has sent more than 120 letters, held 15 public hearings and briefings, and issued nine staff reports. While the Subcommittee's oversight in this Congress has focused on the Trump Administration, it has relied extensively on private sector entities to inform its work. The



Subcommittee's October press release boasts it has "review[ed] hundreds of thousands of pages of documents" and the staff reports cite documents and information obtained from private entities in response to its numerous letter requests.⁵

While there may be announcements of Democratic or Republican membership changes soon after the 117th Congress convenes next week, we expect Chairman Clyburn's leadership on substantive, priority areas will remain consistent. Key areas of focus will be on issues ranging from HHS vaccine contracts and distribution plans to economic stimulus funding oversight. While the Subcommittee is expected to continue pursuing its ongoing executive branch inquiries, Chairman Clyburn signaled that, "With a new administration soon to take office, I am hopeful that the Select Subcommittee will work on a bipartisan basis to help provide the leadership and support Americans need and deserve to get us beyond this pandemic."⁶

The incoming Biden White House has pledged to make a robust pandemic response its top priority. House Democratic leadership is likely to march in lockstep with the new Administration's efforts to combat the pandemic and may hesitate to target executive branch initiatives. If Subcommittee investigations are tempered by these dynamics, it is likely that private sector stakeholders will be the primary targets of its future inquiries. We also expect the Subcommittee will continue to seek information from private sector parties that it has been unable to secure from the Trump Administration as part of its efforts to fulfill its mandate and issue a final report of its findings. In short, we see no slowdown in congressional oversight of the coronavirus crisis on the horizon. Companies and individuals with a stake in the response to COVID-19, and certainly those with ties to the Trump Administration's "failed" response to the pandemic, should understand that oversight will be alive and well in the 117th Congress as the Subcommittee's work continues.

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As the country emerges from the COVID-19 crisis, companies should recognize that congressional investigations will significantly affect and likely propel parallel government investigations by federal and state enforcement agencies. Perennially recognized by Chambers USA, King & Spalding's Congressional Investigations practice is uniquely positioned to help clients understand and mitigate significant investigative, public relations, and political risks associated with congressional investigations.



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¹ Speaker Pelosi, *Press Release: Pelosi Announces Select Committee on the Coronavirus Crisis Will Continue Work in the 117th Congress Under Leadership of Chairman Clyburn* (Dec. 29, 2020) (online at <https://www.speaker.gov/newsroom/122920>).

² See *K&S Client Alert: With New Select Investigative Subcommittee, House Democrats Double Down on COVID-19 Oversight* (April 27, 2020) (online at <https://www.kslaw.com/news-and-insights/with-new-select-investigative-subcommittee-house-democrats-double-down-on-covid-19-oversight>).

³ Speaker Pelosi, *Press Release: Pelosi Announces Select Committee on the Coronavirus Crisis Will Continue Work in the 117th Congress Under Leadership of Chairman Clyburn* (Dec. 29, 2020) (online at <https://www.speaker.gov/newsroom/122920>).

⁴ Select Subcommittee on the Coronavirus Crisis, *Interim Staff Report: Inefficient, Ineffective, and Inequitable: The Trump Administration's Failed Response to the Coronavirus Crisis* (October 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/InterimStaffReport10.30.20.pdf>).

⁵ Select Subcommittee on the Coronavirus Crisis, *Press Release: Select Subcommittee Releases New Staff Report On Investigations Into Trump Administration Pandemic Response* (October 30, 2020) (online at <https://coronavirus.house.gov/news/press-releases/select-subcommittee-releases-new-staff-report-investigations-trump>).

⁶ Speaker Pelosi, *Press Release: Pelosi Announces Select Committee on the Coronavirus Crisis Will Continue Work in the 117th Congress Under Leadership of Chairman Clyburn* (Dec. 29, 2020) (online at <https://www.speaker.gov/newsroom/122920>).