

117TH CONGRESS
1ST SESSION

H. R. 6321

To require the head of each Federal agency, within 100 calendar days, to complete all pending Freedom of Information Act requests related to a drug or medical device to prevent, diagnose, mitigate, or treat COVID–19, gain-of-function or potential pandemic pathogen research, or a policy, rule, or standard requiring COVID–19 vaccination of individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2021

Mr. ROY (for himself, Mr. NORMAN, Mr. DUNCAN, Mr. WEBSTER of Florida, Mr. POSEY, Mr. BIGGS, Mr. TAYLOR, and Mr. GOHMERT) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the head of each Federal agency, within 100 calendar days, to complete all pending Freedom of Information Act requests related to a drug or medical device to prevent, diagnose, mitigate, or treat COVID–19, gain-of-function or potential pandemic pathogen research, or a policy, rule, or standard requiring COVID–19 vaccination of individuals, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Answer COVID FOIAs
3 Now Act”.

4 **SEC. 2. COMPLETION OF FOIA REQUESTS RELATING TO**
5 **DRUGS AND MEDICAL DEVICES TO PREVENT,**
6 **DIAGNOSE, MITIGATE, OR TREAT COVID-19.**

7 (a) IN GENERAL.—

8 (1) COMPLETION OF REQUESTS.—Notwith-
9 standing any other provision of law, the head of each
10 Federal agency shall, not later than 100 calendar
11 days after the date of enactment of this Act, com-
12 plete all requests for records made under section
13 552(a) of title 5, United States Code, that are—

14 (A) made to the Federal agency;

15 (B) pending as of the date of enactment of
16 this Act; and

17 (C) related to—

18 (i) a drug or medical device to pre-
19 vent, diagnose, mitigate, or treat COVID-
20 19;

21 (ii) gain-of-function research or poten-
22 tial pandemic pathogen research; or

23 (iii) a policy, rule, or standard requir-
24 ing COVID-19 vaccination of individuals.

25 (2) RULE OF CONSTRUCTION.—Nothing in this
26 Act shall be construed to require the disclosure of

1 information that is exempt from disclosure under
2 section 552(b) of title 5, United States Code.

3 (b) LIST OF PENDING REQUESTS.—The head of a
4 Federal agency shall publicly and electronically make
5 available a list of all requests described in subsection
6 (a)(1).

7 (c) REPORTS.—

8 (1) INITIAL REPORT.—Not later than 7 busi-
9 ness days after the date of enactment of this Act,
10 the head of each Federal agency shall provide the
11 list required by subsection (b) to—

12 (A) the Committee on the Judiciary, the
13 Committee on Energy and Commerce, and the
14 Committee on Oversight and Reform of the
15 House of Representatives;

16 (B) the Committee on the Judiciary, the
17 Committee on Health, Education, Labor, and
18 Pensions, and the Committee on Homeland Se-
19 curity and Governmental Affairs of the Senate;
20 and

21 (C) the Secretary of the Treasury.

22 (2) SUBSEQUENT REPORT.—Not later than 100
23 calendar days after the date of enactment of this
24 Act, the head of each Federal agency shall provide

1 a list of all requests described in subsection (a)(1)
2 that remain pending, if any, to—

3 (A) the committees referred to in para-
4 graph (1); and

5 (B) the Secretary of the Treasury.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “Federal agency” means an agen-
8 cy as that term is defined in section 551 of title 5,
9 United States Code.

10 (2) The term “gain-of-function research” means
11 any research that may be reasonably anticipated to
12 confer an attribute to a pathogen such that the
13 pathogen would have enhanced pathogenicity or
14 transmissibility in mammals.

15 (3) The term “potential pandemic pathogen”
16 means a pathogen that, prior to any gain-of-function
17 research—

18 (A) is likely highly transmissible and likely
19 capable of wide and uncontrollable spread in
20 human populations; and

21 (B) is likely highly virulent and likely to
22 cause significant morbidity or mortality in hu-
23 mans.

1 **SEC. 3. PENALTY FOR FAILURE TO DISPOSE OF PENDING**
2 **FOIA REQUESTS.**

3 Beginning on the day that is 101 calendar days after
4 the date of enactment of this Act, the Secretary of the
5 Treasury shall transfer from the appropriations account
6 of the office of the head of a Federal agency (as defined
7 in section 2(d)) to the Countermeasures Injury Compensa-
8 tion Program of the Health Resources and Services Ad-
9 ministration \$1,000,000 for each calendar day on which
10 any request described in section 2(a)(1) remains pending
11 with such Federal agency.

12 **SEC. 4. COMPELLING NEED FOR EXPEDITED PROCESSING.**

13 With respect to affirming or denying a request for
14 expedited processing of a record under section
15 552(a)(6)(E) of title 5, United States Code, a person sub-
16 mitting such request to a Federal agency (as defined in
17 section 2(d)) shall be deemed to have demonstrated a com-
18 pelling need for such record if such record is related to—

19 (1) a drug or medical device to prevent, diag-
20 nose, mitigate, or treat COVID–19;

21 (2) gain-of-function research or potential pan-
22 demic pathogen research (as such terms are defined
23 in section 2(e)); or

24 (3) a policy, rule, or standard requiring
25 COVID–19 vaccination of individuals.