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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

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Answer COVID FOIAs Now Act''.

SEC. 2. COMPLETION OF FOIA REQUESTS RELATING TO DRUGS AND MEDICAL DEVICES TO PREVENT, DIAGNOSE, MITIGATE, OR TREAT COVID–19.

(a) IN GENERAL.—

(1) COMPLETION OF REQUESTS.—Notwithstanding any other provision of law, the head of each Federal agency shall, not later than 100 calendar days after the date of enactment of this Act, complete all requests for records made under section 552(a) of title 5, United States Code, that are—

(A) made to the Federal agency;

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

(C) related to—

(i) a drug or medical device to prevent, diagnose, mitigate, or treat COVID–19;

(ii) gain-of-function research or potential pandemic pathogen research; or

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

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

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

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

(c) REPORTS.—

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

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

(B) the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Secretary of the Treasury.

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

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

(A) the committees referred to in paragraph (1); and

(B) the Secretary of the Treasury.

(d) DEFINITIONS.—In this section:

(1) The term ''Federal agency'' means an agency as that term is defined in section 551 of title 5, United States Code.

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

(3) The term ''potential pandemic pathogen'' means a pathogen that, prior to any gain-of-function research—

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

(B) is likely highly virulent and likely to cause significant morbidity or mortality in humans.

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

Beginning on the day that is 101 calendar days after the date of enactment of this Act, the Secretary of the Treasury shall transfer from the appropriations account of the office of the head of a Federal agency (as defined in section 2(d)) to the Countermeasures Injury Compensation Program of the Health Resources and Services Administration $1,000,000 for each calendar day on which any request described in section 2(a)(1) remains pending with such Federal agency.

SEC. 4. COMPELLING NEED FOR EXPEDITED PROCESSING.

With respect to affirming or denying a request for expedited processing of a record under section 552(a)(6)(E) of title 5, United States Code, a person submitting such request to a Federal agency (as defined in section 2(d)) shall be deemed to have demonstrated a compelling need for such record if such record is related to—

(1) a drug or medical device to prevent, diagnose, mitigate, or treat COVID–19;

(2) gain-of-function research or potential pandemic pathogen research (as such terms are defined in section 2(e)); or

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

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