

118TH CONGRESS
1ST SESSION

H. R. 772

To prohibit the Federal Government from issuing vaccine passports, to prohibit businesses from discriminating against patrons and customers by requiring documentation certifying COVID–19 vaccination, or post-transmission recovery, as a condition on the provision of products or services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Mr. DAVIDSON introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, 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 prohibit the Federal Government from issuing vaccine passports, to prohibit businesses from discriminating against patrons and customers by requiring documentation certifying COVID–19 vaccination, or post-transmission recovery, as a condition on the provision of products or services, 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 “Vaccine Passport Pre-
3 vention Act of 2023”.

4 **SEC. 2. PROHIBITION AGAINST VACCINE PASSPORTS.**

5 (a) NO GOVERNMENT-ISSUED VACCINE PASS-
6 PORTS.—

7 (1) FEDERAL GOVERNMENT.—The Federal
8 Government shall not—

9 (A) issue any vaccine passport; or

10 (B) discriminate against any person by re-
11 quiring documentation certifying COVID–19
12 vaccination, or post-transmission recovery, as a
13 condition on the provision of any service or ben-
14 efit.

15 (2) STATE, TRIBAL, AND LOCAL GOVERN-
16 MENTS.—

17 (A) PROHIBITION.—As a condition on re-
18 ceipt of any Federal funds made available by or
19 under any of the Acts listed in subparagraph
20 (B), no State, Tribal, or local government
21 shall—

22 (i) issue any vaccine passport; or

23 (ii) discriminate against person by re-
24 quiring documentation certifying COVID–
25 19 vaccination, or post-transmission recov-

1 ery, as a condition on the provision of any
2 service or benefit.

3 (B) SPECIFIED ACTS.—The Acts listed in
4 this subparagraph are the following:

5 (i) The Coronavirus Preparedness and
6 Response Supplemental Appropriations
7 Act, 2020 (Public Law 116–123).

8 (ii) The Families First Coronavirus
9 Response Act (Public Law 116–127).

10 (iii) The CARES Act (Public Law
11 116–136).

12 (iv) The Paycheck Protection Pro-
13 gram and Health Care Enhancement Act
14 (Public Law 116–139).

15 (v) The American Rescue Plan Act of
16 2021 (Public Law 117–2).

17 (C) EXCEPTION.—Subparagraph (A) does
18 not apply with respect to a school, including
19 any kindergarten, elementary school, secondary
20 school, and institution of higher education.

21 (3) DEFINITION.—In this subsection, the term
22 “vaccine passport”—

23 (A) means any standardized documenta-
24 tion for the purpose of certifying an individual’s

1 COVID–19 vaccination status to a third party;
2 and

3 (B) excludes any documentation to the ex-
4 tent it is issued for the purpose of health care
5 records.

6 (b) NO DISCRIMINATION IN PROVISION OF PROD-
7 UCTS AND SERVICES.—

8 (1) PROHIBITION.—No entity providing any
9 product or service in or affecting interstate com-
10 merce shall require any patron or customer to pro-
11 vide any documentation certifying COVID–19 vac-
12 cination, or post-transmission recovery, as a condi-
13 tion on the provision of such product or service.

14 (2) EXCEPTION.—Paragraph (1) does not apply
15 with respect to the provision of—

16 (A) education by any school, including any
17 kindergarten, elementary school, secondary
18 school, and institution of higher education; or

19 (B) health care products and services.

20 (3) PENALTY.—Whoever is found in a civil ac-
21 tion to enforce this subsection to be in violation of
22 paragraph (1) shall be ineligible to be awarded, dur-
23 ing the 2-year period beginning on the date on which
24 such finding becomes final, any Federal grant or
25 contract.

1 (4) PRIVATE RIGHT OF ACTION.—

2 (A) IN GENERAL.—Any person who is de-
3 nied a provision or service, or who is discrimi-
4 nated against in the provision of a product or
5 service, in violation of paragraph (1), may com-
6 mence a civil action in an appropriate district
7 court of the United States to seek injunctive re-
8 lief with respect to such violation.

9 (B) REASONABLE COSTS.—In a civil action
10 under subparagraph (A), the court may allow
11 the prevailing party reasonable costs, including
12 attorney’s fees.

13 **SEC. 3. PROHIBITION ON VACCINATION AS A CONDITION**
14 **OF FEDERAL EMPLOYMENT.**

15 (a) IN GENERAL.—The Federal Government shall
16 not require that a Federal employee receive a COVID-
17 19 vaccine as a condition of employment.

18 (b) EXCEPTION.—Subsection (a) does not apply with
19 respect to employees of the Department of Defense.

20 **SEC. 4. REQUIRED EXEMPTIONS FOR CERTAIN SCHOOLS**
21 **MANDATING COVID-19 VACCINE.**

22 (a) IN GENERAL.—If a school requires a student to
23 receive a COVID-19 vaccine as a condition on enrollment
24 or continued enrollment, the Secretary of Education may
25 not award any financial assistance to such school, directly

1 or indirectly through a State educational agency or local
2 educational agency, unless the school provides the fol-
3 lowing exemptions from such requirement:

4 (1) RELIGIOUS EXEMPTION.—Based on an ob-
5 jection in good faith that immunization would violate
6 the student’s religious beliefs.

7 (2) MEDICAL EXEMPTION.—Based on a certifi-
8 cation—

9 (A) by a physician that immunization of
10 the student is medically inadvisable; or

11 (B) by a public health authority of the rel-
12 evant State or locality that immunization for
13 students in a category in which such student
14 belongs is medically inadvisable.

15 (3) REASONS OF CONSCIENCE EXEMPTION.—
16 Based on an objection in good faith that immuniza-
17 tion would violate reasons of conscience.

18 (4) NATURAL IMMUNITY EXEMPTION.—Based
19 on the student having had COVID–19 and acquired
20 natural immunity.

21 (b) FORM.—An objection or certification described in
22 paragraph (1), (2), (3), or (4) of subsection (a) shall be
23 submitted in writing to the chief official of the school by,
24 as applicable, the student or the student’s parent or legal
25 guardian.

1 (c) DEFINITIONS.—In this section:

2 (1) The terms “elementary school” and “sec-
3 ondary school” have the meanings given to such
4 terms in section 8101 of the Elementary and Sec-
5 ondary Education Act of 1965 (20 U.S.C. 7801).

6 (2) The term “institution of higher education”
7 has the meaning given to such term in section 101
8 of the Higher Education Act of 1965 (20 U.S.C.
9 1001).

10 (3) The term “school” means a public or pri-
11 vate kindergarten, a public or private elementary
12 school or secondary school, or an institution of high-
13 er education.

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