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117TH CONGRESS
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H. R. 5816

To prohibit the Federal Government, or State or local government or other entity receiving Federal funding, from requiring any citizen to be vaccinated, including Federal agencies from requiring its employees to take any vaccination, without the citizen being fully advised in writing of all known potential risks from the vaccine and consultation with a physician followed by the voluntary informed consent of the citizen, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2021

Mr. GOHMERT (for himself, Mr. DUNCAN, Mr. GOOD of Virginia, Mr. WEBER of Texas, Mr. LAMALFA, Mr. BABIN, Mr. BIGGS, Mr. NORMAN, Mr. MAST, and Mr. GAETZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To prohibit the Federal Government, or State or local government or other entity receiving Federal funding, from requiring any citizen to be vaccinated, including Federal agencies from requiring its employees to take any vaccination, without the citizen being fully advised in writing of all known potential risks from the vaccine and consultation with a physician followed by the voluntary informed consent of the citizen, 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 ''National Informed Consent Exemption (NICE) Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Constitution does not permit a vaccine mandate, including a mandate by the executive branch imposed on Federal employees as a condition to maintain the employment they need to feed themselves or their families.

(2) It is unconscionable for any entity to use force or coercion to compel individuals to take a vaccine without their informed consent, and even more egregiously unconscionable for a vaccine to be administered under emergency use authorization (EUA) without adequate warnings of known potential risks to that specific employee or patient. The rights of the American people to free exercise of religion, due process of law, and protection from religious discrimination, includes the fundamental right to decline vaccination and testing for infectious disease without penalty.

(3) Mandating vaccines, including experimental vaccines, does not fall within any of the executive authorities, according to article II, section 2 of the United States Constitution.

(4) According to the American Heritage Medical Dictionary, informed consent is the consent by a person to undergo a medical procedure after receiving all material information regarding risks, benefits, and alternatives.

(5) Vaccines in America are licensed and regulated federally.

(6) Product inserts for vaccines approved by the United States Food and Drug Administration (FDA) evidence that:

(A) Each vaccine on the routine vaccination schedules published by the U.S. Centers for Disease Control and Prevention (CDC) has never been clinically evaluated in humans for its long-term potential to cause cancer, impair fertility, and mutate genes.

(B) The pivotal clinical trial relied upon by the Food and Drug Administration (FDA) for approval of each vaccine on the CDC schedule did not evaluate the safety of the vaccine (1) for at least one year after the vaccine is administered, and (2) against a control group that received (A) a truly inert placebo, or (B) another vaccine approved based on a pivotal clinical

trial that included a control group that received a truly inert placebo.

(7) In 2018, the United States Department of Health and Human Services (HHS) published that it has no evidence that its Secretary completed any of the 16 required vaccine safety reports, bi-annually pursuant to U.S.C. 300aa–27(c) (''Report. Within 2 years after December 22, 1987, and periodically thereafter . . .'').

(8) In 2018, the FDA published, ''Until a vaccine is given to the general population, all potential adverse events cannot be anticipated.''.

(9) In 2020, the National Institutes of Health (NIH) published, ''The 'gold standard' for testing interventions in people is the 'randomized, placebo-controlled' clinical trial, in which volunteers are randomly assigned to a test group receiving the experimental intervention or a control group receiving a placebo (an inactive substance that looks like the drug or treatment being tested). Comparing results from the two groups suggests whether changes in the test group result from the treatment or occur by chance.''.

(10) The field of medicine and science is advancing at a rapid pace. The Institute of Medicine

(IOM) has reported that it can take up to 17 years for a new best practice to reach the average physician and surgeon. It is prudent to recognize doctors' discretion when applying all of their knowledge, training, expertise, and new developments in the care of their patients.

(11) Vaccine ingredients are commonly sourced from foreign nations.

(12) America's national security is directly impacted by mandatory vaccination.

SEC. 3. PROHIBITION ON MANDATORY VACCINATION AND INFECTIOUS DISEASE TESTING.

(a) The Federal Government, and persons receiving Federal funding, are prohibited from requiring any citizen to be vaccinated or tested for an infectious disease without due process of law. Citizens have the fundamental right to decline vaccination for an infectious disease without penalty.

(b) Vaccination shall henceforth be optional to citizens, except as provided in section 5, for their participation in society, including but not limited to education, travel, employment, government service, housing, social welfare programs, access to courts, and medical care.

(c) Any laws, regulations, or policies, purporting to authorize any form of discrimination against any citizen,

whether in the form of denial of education, travel, employment, government service, housing, social welfare programs, access to courts, and medical care, which is based solely upon their refusal to consent to vaccination for an infectious disease, are repugnant to the United States Constitution and are therefore unenforceable, except as provided in section 5. Nor shall any laws, regulations, or policies, require an individual to provide any ''vaccine passport'' or documentation, whether digital or otherwise, certifying vaccination or post-infection recovery to gain access to, entry upon, or service from an institution within the United States, except as provided in section 5.

(d) The exemption from vaccination for infectious disease provided by this Act shall be known as the National Informed Consent Exemption (''NICE'') and may be exercised by any individual, including on behalf of their child or dependent, without any precondition or requirement, except as provided in section 5.

(e) With the exception of emancipated minors, no child shall be vaccinated without (1) the consent of each parent or guardian for the child, or (2) the consent of one parent or guardian for the child and prior written 3-day notification to the other parent or guardian(s) for the child regarding the vaccination appointment.

SEC. 4. ENFORCEMENT.

(a) Any person who has been the victim of a violation of this Act may bring a civil action for damages against any responsible party. The plaintiff may seek actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief. A prevailing plaintiff may also be awarded attorney's fees and court costs.

(b) Anyone or any entity that provides false information intending to influence a person to be vaccinated shall be liable to the person vaccinated or that person's heirs for any and all damages resulting from such vaccination, including actual damages, compensatory damages, punitive damages, as well as attorney's fees and court costs.

SEC. 5. EXCEPTIONS.

This Act shall not apply to the following:

(1) lawfully incarcerated and institutionalized individuals lacking the right or ability to meaningfully provide informed consent or informed refusal;

(2) courts of law issuing individualized court orders specific to one individual, provided the court order applies strict scrutiny following a hearing affording due process of law to the individual affected; or

(3) Federal, State, and local emergencies where the governing authority has first formally applied to

the President of the United States of America for a NICE exception, and provided that the President in his discretion formally authorizes the requested exception based on the following criteria proven by the governing authority: (i) compliance with the procedure in section 5(b) would be materially impractical, (ii) the requested NICE exception would not materially interfere with National Security, and (iii) short-term and long-term side effects from the vaccination, including serious injuries and deaths, have been proven to occur in less than 1 in 200,000 individuals.

SEC. 6. EVALUATION OF VACCINATED COMPARED TO UNVACCINATED AMERICANS.

(a) The United States Surgeon General shall immediately commence an independent evaluation of the CDC vaccination schedule, and also an independent evaluation of COVID–19 vaccination.

(b) The independent evaluations shall be performed by a Vaccine Safety Commission comprised of 30 physicians and scientists, appointed by the United States Surgeon General. Commission members shall not have any current or previous ownership interest, or any current or previous consulting or employment relationship, with any manufacturer of a vaccine.

(c) All evaluation details, communications, results, and analyses of the Commission shall be made publicly available.

(d) The risk of permanent disability and death from the vaccine, alone and in combination with other vaccines, shall be measured objectively by review of biological studies and epidemiological surveys of completely unvaccinated persons who have received no vaccines in life, compared to persons who have received various vaccines under evaluation. The risk of permanent disability and death caused by an infectious disease shall be measured objectively by national vital statistics for the 10 years before the first vaccine for that disease was first introduced for public use.

(e) Independent evaluations shall be made of potential therapeutic medications for diseases for which vaccines have been produced, including consideration of studies done on such medications.

(f) At the completion of the evaluation on July 1, 2026, the Committee shall produce a report that shall be provided to each Member of Congress.

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