

117TH CONGRESS
1ST SESSION

H. R. 3660

To prohibit Federal funds from being used to implement, administer, enforce, or carry out programs with respect to digital health passes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2021

Mr. GAETZ introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit Federal funds from being used to implement, administer, enforce, or carry out programs with respect to digital health passes, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Digital Health Pass
5 Prevention Act” or “DHPPA”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) In the United States, States hold primary
9 public health powers.

1 (2) On April 2, 2021, Florida Governor Ron
2 DeSantis signed an Executive order prohibiting the
3 use of COVID–19 digital health passes in the State
4 of Florida, citing privacy concerns and freedom as
5 the main reasons for the prohibition.

6 (3) On April 5, 2021, Texas Governor Greg Ab-
7 bott signed an Executive order prohibiting the use of
8 COVID–19 digital health passes, declaring that
9 Texas agencies and political subdivisions, as well as
10 public and private organizations that receive public
11 funding from the State, cannot require people to
12 prove they have received a vaccination for the virus
13 that causes COVID–19.

14 (4) On April 7, 2021, Idaho Governor Brad
15 Little signed an Executive order prohibiting any
16 State of Idaho governmental entity from requiring
17 an individual to provide a digital health pass, or
18 other proof of a vaccination for the virus that causes
19 COVID–19, before such individual may receive pub-
20 lic services or access to public facilities.

21 (5) On April 13, 2021, Montana Governor Greg
22 Gianforte issued an Executive order prohibiting the
23 use of digital health passes.

24 (6) On April 19, 2021, Arizona Governor Doug
25 Ducey issued an Executive order to prohibit all

1 State and local government entities from requiring
2 individuals to prove whether they have received a
3 vaccination for the virus that causes COVID–19
4 prior to receiving services or entering into certain
5 public areas.

6 (7) On April 25, 2021, Georgia Governor Brian
7 Kemp issued an Executive order that prohibits the
8 State of Georgia from requiring COVID–19 digital
9 health passes.

10 (8) On May 11, 2021, South Carolina Governor
11 Henry McMaster issued a COVID–19 mandate that
12 prohibits the use of digital health passes across the
13 State of South Carolina and prevents schools and
14 public entities from implementing mask require-
15 ments.

16 (9) On May 24, 2021, Alabama Governor Kay
17 Ivey signed a bill that prevents State entities from
18 issuing digital health passes and prohibits businesses
19 from requiring a digital health pass in exchange for
20 services.

21 (10) The Tenth Amendment to the Constitution
22 requires that, “The powers not delegated to the
23 United States by the Constitution, nor prohibited by
24 it to the States, are reserved to the States respec-
25 tively, or to the people”.

1 (11) The Federal Government may not bear the
2 responsibility of administering mandatory programs
3 and subsequent devices as they relate to the health
4 of citizens.

5 (12) International Business Machines Corpora-
6 tion (IBM), a leading information technology com-
7 pany, is leading the development of digital health
8 passes, and has developed the “Excelsior Pass” as a
9 means for commercial enterprises to exclude individ-
10 uals who do not have such pass from attending pub-
11 licly accessible events.

12 (13) As of June 1, 2021, IBM has over
13 350,000 employees, a market cap of \$129 billion,
14 and does not require any amount of Federal tax dol-
15 lars from the fiscal year 2022 budget to assist IBM
16 with activities related to the development of digital
17 health passes.

18 **SEC. 3. PROHIBITION ON FUNDING OF PROGRAMS WITH**
19 **RESPECT TO DIGITAL HEALTH PASSES.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, no Federal funds may be used to implement,
22 administer, enforce, or carry out programs with respect
23 to digital health passes.

24 (b) DIGITAL HEALTH PASS DEFINED.—The term
25 “digital health pass” means any standardized documenta-

1 tion for the purpose of certifying an individual's vaccina-
2 tion history to a third party, excluding any documentation
3 to the extent it is issued for the purpose of health care
4 records.

