To prohibit federally funded COVID–19 vaccine mandates, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2021

Mr. Timmons introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Reform, Education and Labor, and Ways and Means, 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 federally funded COVID–19 vaccine mandates, 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 “COVID–19 Individual Liberty Act of 2021”.

SECTION 2. TABLE OF CONTENTS.

The table of contents of this Act:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Vaccine mandate for Federal contractors and subcontractors.
Sec. 4. Nullification of vaccine mandate for executive branch employees.
Sec. 5. No Federal funding for COVID–19 vaccine mandates.
Sec. 6. Prohibition on implementation of COVID–19 vaccination mandate under the Medicare and Medicaid programs.
Sec. 7. Guidelines on natural immunity as a suitable alternative to being fully vaccinated.
Sec. 8. Prohibition against Federal issuance of, or discrimination based on vaccine passports.

SEC. 3. VACCINE MANDATE FOR FEDERAL CONTRACTORS AND SUBCONTRACTORS.

(a) IN GENERAL.—Executive Order 14042 (86 Fed. Reg. 50985; relating to ensuring adequate COVID safety protocols for Federal contractors) shall have no force or effect.

(b) EFFECTIVE DATE.—This section shall take effect as if enacted on September 9, 2021.

SEC. 4. NULLIFICATION OF VACCINE MANDATE FOR EXECUTIVE BRANCH EMPLOYEES.

(a) IN GENERAL.—Executive Order 14043 (86 Fed. Reg. 50989; relating to requiring coronavirus disease 2019 vaccination for Federal employees) shall have no force or effect.

(b) EFFECTIVE DATE.—This section shall take effect as if enacted on September 14, 2021.

SEC. 5. NO FEDERAL FUNDING FOR COVID–19 VACCINE MANDATES.

(a) IN GENERAL.—No Federal funds may be used to implement or enforce (including through promulgation of any rule) a COVID–19 vaccine mandate.
(b) DEFINITIONS.—In this section:

(1) COVID–19 VACCINE.—The term “COVID–19 vaccine” means an immunization that is intended to prevent or mitigate COVID–19.

(2) COVID–19 VACCINE MANDATE.—The term “COVID–19 vaccine mandate” means any requirement that an individual receive a COVID–19 vaccine, including—

(A) any such requirement as a condition on becoming or remaining a Federal employee, contractor, or subcontractor; or

(B) any requirement that a non-Federal employer require an employee, contractor, or subcontractor thereof to receive a COVID–19 vaccine.

(3) NON-FEDERAL EMPLOYER.—The term “non-Federal employer”—

(A) means any person (other than the Federal Government) engaged in a business in or affecting interstate commerce; and

(B) includes a State or political subdivision of a State to the extent it is engaged in such a business.
SEC. 6. PROHIBITION ON IMPLEMENTATION OF COVID–19 VACCINATION MANDATE UNDER THE MEDICARE AND MEDICAID PROGRAMS.

Notwithstanding any provision of title XI, XVIII, or XIX of the Social Security Act (42 U.S.C. 1301 et seq., 1395 et seq., 1396 et seq.), the Secretary of Health and Human Services may not—

(1) require a health care provider, as a condition of participation in the Medicare or Medicaid program, to mandate vaccination of employees against COVID–19; or

(2) otherwise penalize such a provider for such provider’s failure to so mandate such vaccination.

SEC. 7. GUIDELINES ON NATURAL IMMUNITY AS A SUITABLE ALTERNATIVE TO BEING FULLY VACCINATED.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish guidelines on the extent to which natural immunity provides protection from contracting or spreading COVID–19 that is at least equivalent to the immunity provided by vaccination.
SEC. 8. PROHIBITION AGAINST FEDERAL ISSUANCE OF, OR DISCRIMINATION BASED ON VACCINE PASSPORTS.

(a) FEDERAL GOVERNMENT.—The Federal Government shall not—

(1) issue any vaccine passport; or

(2) discriminate against any person by requiring documentation certifying COVID–19 vaccination, or post-transmission recovery, as a condition on the provision of any service or benefit.

(b) STATE, TRIBAL, AND LOCAL GOVERNMENTS.—

(1) PROHIBITION.—As a condition on receipt of any Federal funds made available by or under any of the Acts listed in paragraph (2), no State, Tribal, or local government shall—

(A) issue any vaccine passport; or

(B) discriminate against any person by requiring documentation certifying COVID–19 vaccination, or post-transmission recovery, as a condition on the provision of any service or benefit.

(2) SPECIFIED ACTS.—The Acts listed in this paragraph are the following:

(B) The Families First Coronavirus Response Act (Public Law 116–127).

(C) The CARES Act (Public Law 116–136).

(D) The Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139).


(3) EXCEPTION.—Paragraph (1) does not apply with respect to a school, including any kindergarten, elementary school, secondary school, and institution of higher education.

(e) DEFINITION.—In this section, the term “vaccine passport”—

(1) means any standardized documentation for the purpose of certifying an individual’s COVID–19 vaccination status to a third party; and

(2) excludes any documentation to the extent it is issued for the purpose of health care records.