

117TH CONGRESS
1ST SESSION

H. R. 5092

To prohibit the Federal Government 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

AUGUST 24, 2021

Mr. GOHMERT (for himself, Mr. WEBER of Texas, Mr. DUNCAN, and Mrs. MILLER of Illinois) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Oversight and Reform, 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 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.

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. SENSE OF CONGRESS.**

2 It is the sense of Congress that:

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

8 (2) It is unconscionable for any entity to use
9 force or coercion to compel individuals to take a vac-
10 cine, and even more egregiously unconscionable for
11 a vaccine to be administered under emergency use
12 authorization (EUA) without adequate warnings of
13 known potential risks.

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

18 (4) The Constitution reserves “police power”,
19 for the protection of health, safety, and morals, to
20 the States.

21 (5) Even though a State has police power, strict
22 scrutiny is still applied when laws infringe on funda-
23 mental liberties, and in such instance, government
24 action is only constitutional when it both achieves a
25 compelling goal and is narrowly tailored or the least
26 restrictive alternative to achieve that goal.

1 (6) Over the last year, the Federal agencies
2 have not only encouraged telework, but have even
3 mandated it, regardless of whether an individual em-
4 ployee assessed the office environment to present an
5 unreasonable known risk to his or her health, and
6 regardless of whether the conditions at home were
7 suitable for productivity or work. In certain cases,
8 States have done the same with their government
9 workforces. Arbitrarily requiring an individual to get
10 vaccinated or lose his or her employment cannot pos-
11 sibly be the least restrictive alternative to a public
12 health goal at the Federal or State level. Individuals
13 who object to taking a vaccine or an experimental
14 vaccine, for any reason, do not impose an inordinate
15 known risk to the workplace, when every individual
16 has the liberty to make health decisions for them-
17 selves, including vaccination, masking, social dis-
18 tancing, or other possibly preventive measures.

19 (7) In our constitutional republic, the Federal
20 Government must exercise power only in keeping
21 with the strict limits as enumerated in the Constitu-
22 tion.

23 (8) The Government is never in a better posi-
24 tion to assess the wisdom and necessity of a par-
25 ticular medical intervention than the individual and

1 his or her own physician; failing to acknowledge this
2 most self-evident of truths is anathema to the prin-
3 ciple of self-governance on which our Nation was
4 founded.

5 (9) This individual right has been steadfastly
6 upheld by human rights advocates not only in our
7 own Nation, but also around the world.

8 (10) Even the United Nations Committee on
9 Economic, Social and Cultural Rights (CESCR)
10 states in no uncertain terms that health freedoms in-
11 clude the right to control one’s health and body and
12 “. . . the right to be free from interference, such as
13 the right to be free from torture, non-consensual
14 medical treatment and experimentation.”.

15 (11) Article 21 “Health-Informed Consent”
16 prepared by the International Disability Caucus af-
17 firms this ancient truth based in the natural law as
18 follows: “Thus, health is not a public good to be pur-
19 sued independent of the will of each individual, but
20 requires respect for the will of the individual person
21 with respect to his or her own well-being.”.

22 (12) Should the Biden administration, any
23 agency of the Federal Government, or any State or
24 locality of this union pursue the path of forced vac-
25 cination, they are choosing to intentionally disregard

1 the U.S. Constitution, natural law, human rights
2 norms, and the will of the individual in making a de-
3 cision that most directly affects his or her own
4 health and bodily integrity.

5 (13) This discussion, necessitated by the dan-
6 gerous actions and rhetoric of the left in America,
7 further compromises the long-enshrined legal re-
8 quirement of informed consent.

9 (14) There is currently no Federal law requir-
10 ing informed consent because the decisions that
11 would implicate it have correctly been understood as
12 matters to be determined at the State and local
13 level.

14 (15) Left-wing extremists in the United States
15 have threatened individuals in such a way that it is
16 now necessary to pursue a Federal informed consent
17 law to protect our citizens.

18 (16) Informed consent must be voluntary.

19 **SEC. 2. THE FEDERAL GOVERNMENT IS PROHIBITED FROM**
20 **REQUIRING ANY CITIZENS TO BE VAC-**
21 **CINATED.**

22 (a) IN GENERAL.—The Federal Government, includ-
23 ing Federal agencies, are prohibited from requiring any
24 citizen or employee to be vaccinated, without the citizen
25 being fully advised in writing of all known potential risks

1 from the vaccine and consultation with a physician fol-
2 lowed by the voluntary informed consent of the citizen.

3 **SEC. 3. INFORMED CONSENT REQUIRED FOR THE ADMINIS-**
4 **TRATION OF EVERY DOSING OF A VACCINE IN**
5 **THE UNITED STATES.**

6 (a) IN GENERAL.—Informed consent shall be re-
7 quired from every individual who receives any dose of any
8 vaccine administered in the United States. This require-
9 ment applies to FDA-approved vaccines and also vaccines
10 authorized for emergency use.

11 (b) DEFINITIONS.—

12 (1) Informed consent is defined as the vol-
13 untary, explicit written agreement to proceed with
14 vaccination, made by the individual receiving vac-
15 cination and with complete knowledge of all relevant
16 facts, including known risks involved or any avail-
17 able alternatives. All known potential risks involved
18 in accepting or rejecting such vaccination must be
19 disclosed. Informed consent is based on the moral
20 and legal premise of individual autonomy: The indi-
21 vidual has the right to make decisions about the in-
22 dividual's own health and medical conditions and
23 treatment.

24 (c) EXCEPTIONS.—

25 (1) In the case of those who are under 18:

1 (A) State law should apply regarding the
2 necessity of informed consent in the case of
3 FDA-approved vaccines.

4 (B) There is no exception to the require-
5 ment provided in subsection (a) for vaccines au-
6 thorized for emergency use. Each individual
7 must be able to give informed consent according
8 the laws of the applicable State.

9 (d) Any offense of this section shall be fined under
10 title 18, United States Code.

○