



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

Mr. GAETZ introduced the following bill; which was referred to the Committee
on _____

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:

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

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

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

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

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

1 (6) On April 19, 2021, Arizona Governor Doug
2 Ducey issued an executive order to prohibit all State
3 and local government entities from requiring individ-
4 uals to prove whether they have received a vaccina-
5 tion for the virus that causes COVID-19 prior to re-
6 ceiving services or entering into certain public areas.

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

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

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

22 (10) The Tenth Amendment to the Constitution
23 requires that, “The powers not delegated to the
24 United States by the Constitution, nor prohibited by

1 it to the States, are reserved to the States respec-
2 tively, or to the people”.

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

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

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

20 **SEC. 3. PROHIBITION ON FUNDING OF PROGRAMS WITH**
21 **RESPECT TO DIGITAL HEALTH PASSES.**

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

1 (b) DIGITAL HEALTH PASS DEFINED.—The term
2 “digital health pass” means any standardized documenta-
3 tion for the purpose of certifying an individual’s vaccina-
4 tion history to a third party, excluding any documentation
5 to the extent it is issued for the purpose of health care
6 records.