

117TH CONGRESS  
1ST SESSION

# H. R. 2317

To provide that United States citizens may not be discriminated against based on their COVID–19 vaccination status, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2021

Mrs. GREENE of Georgia introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Education and Labor, Transportation and Infrastructure, and Foreign Affairs, 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

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## A BILL

To provide that United States citizens may not be discriminated against based on their COVID–19 vaccination status, 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 “We Will Not Comply  
5 Act”.

1 **SEC. 2. INTERSTATE COMMERCE.**

2 No entity that is subject to title II of the Civil Rights  
3 Act of 1964 may discriminate against any person because  
4 such person has or has not received a COVID–19 vaccine.

5 **SEC. 3. FUNDING RIDERS.**

6 (a) IN GENERAL.—No Federal funds may be used  
7 to require any individual to receive a COVID–19 vaccine,  
8 or to enforce any such requirement.

9 (b) NO CONDITIONS FOR EDUCATIONAL INSTITU-  
10 TIONS.—

11 (1) IN GENERAL.—No Federal funds may be  
12 made available to any elementary school, secondary  
13 school, or institution of higher education if such  
14 school or institution requires an individual to receive  
15 a COVID–19 vaccine as a condition for attendance  
16 or participation in any academic or extra-curricular  
17 activity, including sports teams, athletic clubs, or  
18 any other voluntary organization.

19 (2) DEFINITIONS.—In this subsection:

20 (A) The terms “elementary school” and  
21 “secondary school” have the meanings given  
22 those terms in section 8101 of the Elementary  
23 and Secondary Education Act of 1965 (20  
24 U.S.C. 7801).

25 (B) The term “institution of higher edu-  
26 cation” has the meaning given that term in sec-

1           tion 102 of the Higher Education Act of 1965  
2           (20 U.S.C. 1002).

3           (c) CLARIFICATION.—No Federal funds may be used  
4 to compel an individual who has a religious objection to  
5 a vaccine or to vaccination to receive such vaccine or vac-  
6 cination.

7 **SEC. 4. PRIVATE RIGHT OF ACTION.**

8           An individual who has been discriminated against on  
9 the basis of the individual’s COVID–19 vaccine status, or  
10 the individual’s failure to comply with a requirement to  
11 wear a face covering, may bring an action in the appro-  
12 priate United States district court seeking damages.

13 **SEC. 5. PROHIBITION ON VACCINE REQUIREMENTS TO OB-**  
14 **TAIN GOVERNMENT DOCUMENTS.**

15           Notwithstanding any other provision of law, an indi-  
16 vidual may not be required to have received a COVID–  
17 19 vaccine as a condition for obtaining a United States  
18 passport.

19 **SEC. 6. INTERSTATE TRAVEL UNDER THE PRIVILEGES AND**  
20 **IMMUNITIES CLAUSE.**

21           (a) IN GENERAL.—The Secretary of Transportation,  
22 acting through the Administrator of the Federal Aviation  
23 Administration, shall prohibit air carriers and foreign air  
24 carriers (as such terms are defined in section 40102(a)  
25 of title 49, United States Code) from denying an indi-

1 vidual air transportation solely because such individual  
2 has not been vaccinated against COVID–19.

3 (b) **RULE OF CONSTRUCTION.**—This section does not  
4 prohibit the United States Government from requiring  
5 that aliens receive a COVID–19 vaccine before entering  
6 the United States.

7 **SEC. 7. CIVIL RIGHTS AND EDUCATIONAL OPPORTUNITIES.**

8 (a) **IN GENERAL.**—No public school or public college  
9 (as such terms are defined in section 401 of the Civil  
10 Rights Act of 1964 (42 U.S.C. 2000c) may deny an indi-  
11 vidual access to the school or college based on whether  
12 the individual has received a vaccine, including a vaccine  
13 for COVID–19.

14 (b) **ENFORCEMENT BY THE ATTORNEY GENERAL.**—  
15 The Attorney General may enforce this section in the same  
16 manner as title IV of the Civil Rights Act of 1964 (42  
17 U.S.C. 2000c et seq.).

18 **SEC. 8. SENSE OF CONGRESS.**

19 It is the sense of Congress that *Jacobson v. Massa-*  
20 *chusetts* (197 U.S. 11; 1905) should be overturned.

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