

117TH CONGRESS
1ST SESSION

H. R. 1342

To authorize a study on the efficacy and potential negative impacts of masks to human health, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. GOHMERT introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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 authorize a study on the efficacy and potential negative impacts of masks to human health, 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. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the Constitution does not permit a mask
6 mandate through use of exclusively Executive power;

7 (2) Congress has not enacted any such law for
8 the President to enforce;

1 (3) masks do not fall within any of the Execu-
2 tive authorities, according to article II, section 2 of
3 the United States Constitution;

4 (4) even Congress has no authority under the
5 United States Constitution to impose widespread
6 mask mandates on the States and people;

7 (5) the Constitution reserves “police power”,
8 for the protection of health, safety, and morals, to
9 the States;

10 (6) even though a State has police power, strict
11 scrutiny is still applied when laws infringe on funda-
12 mental liberties, and in such instance, government
13 action is only constitutional when it both achieves a
14 compelling goal and is narrowly tailored or the least
15 restrictive alternative to achieve that goal;

16 (7) in our constitutional republic, the Federal
17 Government cannot do as it pleases, but must exer-
18 cise power only in keeping with the strict limits as
19 enumerated in the Constitution;

20 (8) while the Constitution ensures that the Fed-
21 eral Government cannot mandate that all Americans
22 wear masks, any government should not take such
23 an action unless the potential for causing countless
24 Americans to have adverse health impacts is fully
25 considered and studied, and there is no other less re-

1 strictive measures that could adequately be taken;
2 and

3 (9) although Americans are fully equipped to
4 adjust their activities and lifestyles to account for
5 the risk of SARS-CoV-2, including wearing a mask
6 at all times if one should choose to, it is unjust to
7 require all Americans to take an action if that action
8 could mean deteriorated health and even death of
9 some and no exceptions are permitted.

10 **SEC. 2. GAO STUDY ON EFFICACY AND POTENTIAL NEGA-**
11 **TIVE IMPACTS OF MASKS TO HUMAN**
12 **HEALTH.**

13 (a) IN GENERAL.—The Comptroller General of the
14 United States shall conduct a study on the efficacy and
15 potential negative impacts of masks to human health.

16 (b) TOPICS.—The study under subsection (a) shall
17 address each of the following:

18 (1) Evidence that various mask options (includ-
19 ing N-95 masks, basic medical masks, and cloth
20 masks) actually prevent the spread of SARS-CoV-
21 2, and to what extent such masks are successful
22 compared to no mask or a less restrictive method-
23 ology.

1 (2) Evidence regarding any safety concerns
2 with the common types of masks worn (including N-
3 95 masks, basic medical masks, and cloth masks).

4 (3) Any adverse side effects of mask wearing.

5 (4) Any potential for permanent adverse effects
6 including deaths resulting from mask wearing.

7 (5) Any evidence that mask wearing is particu-
8 larly dangerous if an individual has underlying con-
9 ditions, to include allergies, asthma, respiratory dif-
10 ficulty, or any other bodily condition that can impact
11 breathing or lung capacity and functioning.

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