

117TH CONGRESS  
1ST SESSION

# H. R. 5450

To prohibit the use of Federal funds to implement or enforce a COVID–19 vaccine mandate, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2021

Mrs. HARSHBARGER (for herself, Mr. CARTER of Georgia, Mr. POSEY, Ms. HERRELL, Mr. RUTHERFORD, Mr. ESTES, Mr. DUNCAN, and Mr. GUEST) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Oversight and Reform, 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

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## A BILL

To prohibit the use of Federal funds to implement or enforce a COVID–19 vaccine mandate, 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 “Blocking Joseph  
5       Robinette Biden’s Overreaching Vaccine Mandates Act”.

1 **SEC. 2. PROHIBITION OF FUNDING FOR COVID-19 VACCINE**  
2 **MANDATES.**

3 (a) IN GENERAL.—No Federal funds may be used  
4 to implement or enforce (including through promulgation  
5 of any rule or regulation) a COVID-19 vaccine mandate.

6 (b) DEFINITIONS.—In this and the next section:

7 (1) COVID-19 VACCINE.—The term “COVID-  
8 19 vaccine” means an immunization that is intended  
9 to prevent or mitigate coronavirus disease 2019 (or  
10 SARS-CoV-2).

11 (2) COVID-19 VACCINE MANDATE.—The term  
12 “COVID-19 vaccine mandate” means—

13 (A) any requirement that a person, includ-  
14 ing a Federal employee or an individual per-  
15 forming work or in connection with a contractor  
16 with the Federal Government, receive a  
17 COVID-19 vaccine; or

18 (B) any requirement that an employer re-  
19 quire an employee or independent contractor to  
20 receive a COVID-19 vaccine.

21 (3) EMPLOYER.—The term “employer” means  
22 a person engaged in a business affecting commerce  
23 who has employees or independent contractors. Such  
24 term includes a State or political subdivision of a  
25 State but does not include the United States.

1 **SEC. 3. PROHIBITION ON IMPLEMENTATION OF COVID-19**  
2 **VACCINATION MANDATE UNDER THE MEDI-**  
3 **CARE AND MEDICAID PROGRAMS.**

4 Notwithstanding any provision of title XI, XVIII, or  
5 XIX of the Social Security Act (42 U.S.C. 1301 et seq.,  
6 1395 et seq., 1396 et seq.), the Secretary of Health and  
7 Human Services may not—

8 (1) require a health care provider, as a condi-  
9 tion of participation in the Medicare or Medicaid  
10 program to mandate vaccination of employees  
11 against COVID-19; or

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

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