

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO RULES COMMITTEE PRINT 117-39
OFFERED BY MRS. GREENE OF GEORGIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “We Will Not Comply
3 Act”.

4 SEC. 2. INTERSTATE COMMERCE.

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

8 SEC. 3. FUNDING RIDERS.

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

12 (b) NO CONDITIONS FOR EDUCATIONAL INSTITU-
13 TIONS.—

14 (1) IN GENERAL.—No Federal funds may be
15 made available to any elementary school, secondary
16 school, or institution of higher education if such
17 school or institution requires an individual to receive
18 a COVID–19 vaccine as a condition for attendance

1 or participation in any academic or extra-curricular
2 activity, including sports teams, athletic clubs, or
3 any other voluntary organization.

4 (2) DEFINITIONS.—In this subsection:

5 (A) The terms “elementary school” and
6 “secondary school” have the meanings given
7 those terms in section 8101 of the Elementary
8 and Secondary Education Act of 1965 (20
9 U.S.C. 7801).

10 (B) The term “institution of higher edu-
11 cation” has the meaning given that term in sec-
12 tion 102 of the Higher Education Act of 1965
13 (20 U.S.C. 1002).

14 (c) CLARIFICATION.—No Federal funds may be used
15 to compel an individual who has a religious objection to
16 a vaccine or to vaccination to receive such vaccine or vac-
17 cination.

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

19 (a) IN GENERAL.—An individual who has been de-
20 nied service, accommodation, or access to the full and
21 equal enjoyment of the goods, services, facilities, privi-
22 leges, advantages, and accommodations of any place of
23 public accommodation by the owner, lessor, lessee, or oper-
24 ator of such place of public accommodation on the basis
25 of the individual’s COVID–19 vaccine status, or the indi-

1 vidual's failure to comply with a requirement to wear a
2 face covering, may bring an action against such owner,
3 lessor, lessee, or operator in an appropriate State court
4 or in the United States district court for the district in
5 which such denial occurs.

6 (b) RELIEF.—

7 (1) IN GENERAL.—A plaintiff that prevails in a
8 civil action brought under subsection (a) may obtain
9 the following relief:

10 (A) The greater of—

11 (i) compensatory damages, including
12 personal and business economic loss; or

13 (ii) liquidated damages in the amount
14 of \$500,000 for each incident of denial de-
15 scribed in subsection (a).

16 (B) Punitive damages, in the case of a
17 reckless failure of an owner, lessor, lessee, or
18 operator described in subsection (a) to make
19 proper accommodations.

20 (2) TREBLE DAMAGES.—In the case of a willful
21 or knowing failure of an owner, lessor, lessee, or op-
22 erator described in subsection (a) to provide accom-
23 modation, a plaintiff who prevails shall receive three
24 times the amounts described in paragraph (1).

1 **SEC. 5. PROHIBITION ON VACCINE REQUIREMENTS TO OB-**
2 **TAIN GOVERNMENT DOCUMENTS.**

3 Notwithstanding any other provision of law, an indi-
4 vidual shall not be required to have received a COVID-
5 19 vaccine as a condition for obtaining or renewing a
6 United States passport.

7 **SEC. 6. INTERSTATE TRAVEL UNDER THE PRIVILEGES AND**
8 **IMMUNITIES CLAUSE.**

9 (a) IN GENERAL.—The Secretary of Transportation,
10 acting through the Administrator of the Federal Aviation
11 Administration, shall prohibit air carriers and foreign air
12 carriers (as such terms are defined in section 40102(a)
13 of title 49, United States Code) from denying an indi-
14 vidual air transportation solely because such individual
15 has not been vaccinated against COVID-19.

16 (b) RULE OF CONSTRUCTION.—This section does not
17 prohibit the United States Government from requiring
18 that aliens receive a COVID-19 vaccine before entering
19 the United States.

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

21 (a) IN GENERAL.—No public school or public college
22 (as such terms are defined in section 401 of the Civil
23 Rights Act of 1964 (42 U.S.C. 2000c) may deny an indi-
24 vidual access to the school or college based on whether
25 the individual has received a vaccine, including a vaccine
26 for COVID-19.

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

5 **SEC. 8. SENSE OF CONGRESS.**

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

