

117TH CONGRESS
2D SESSION

S. 5171

To amend the Public Health Service Act to prohibit the Secretary of Health and Human Services from placing any vaccine for COVID–19 on the child and adolescent immunization schedule unless the Secretary has posted on the public website of the Centers for Disease Control and Prevention all clinical data in the possession of the Department of Health and Human Services relating to the safety and efficacy of such vaccine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2022

Mr. LEE (for himself, Mr. RUBIO, and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to prohibit the Secretary of Health and Human Services from placing any vaccine for COVID–19 on the child and adolescent immunization schedule unless the Secretary has posted on the public website of the Centers for Disease Control and Prevention all clinical data in the possession of the Department of Health and Human Services relating to the safety and efficacy of such vaccine, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Our Chil-
3 dren from the CDC Act”.

4 **SEC. 2. POSTING OF ALL CLINICAL DATA FOR COVID-19**
5 **VACCINES BEFORE PLACEMENT ON CHILD**
6 **AND ADOLESCENT SCHEDULE.**

7 Part C of subtitle 2 of title XXI of the Public Health
8 Service Act (42 U.S.C. 300aa–25 et seq.) is amended by
9 adding at the end the following:

10 **“SEC. 2129. POSTING OF ALL CLINICAL DATA FOR COVID-19**
11 **VACCINES BEFORE PLACEMENT ON CHILD**
12 **AND ADOLESCENT SCHEDULE.**

13 “(a) NO INCLUSION OF COVID VACCINES.—The
14 Secretary, and any official, agency, or office of the Depart-
15 ment of Health and Human Services (including the Cen-
16 ters for Disease Control and Prevention and the Advisory
17 Committee of Immunization Practices), shall not include
18 any vaccine for COVID–19 on the child and adolescent
19 immunization schedule unless the Secretary has posted on
20 the public website of the Centers for Disease Control and
21 Prevention all clinical data in the possession of the De-
22 partment of Health and Human Services (including the
23 Advisory Committee of Immunization Practices) relating
24 to the safety and efficacy (including any adverse effects)
25 of such vaccine. All such data posted under this subsection
26 shall be deidentified to protect all individually identifiable

1 health information, and information with respect to the
 2 agency and sponsor personnel of the data involved.

3 “(b) VACCINES ALREADY ON SCHEDULE AS OF EN-
 4 ACTMENT.—

5 “(1) REMOVAL.—Any vaccine for COVID–19
 6 that is included on the child and adolescent immuni-
 7 zation schedule as of the date of enactment of this
 8 section is hereby deemed to be removed from such
 9 schedule.

10 “(2) ADMINISTRATIVE ACTION.—The Secretary
 11 shall take such actions as may be necessary to effec-
 12 tuate the removal of a vaccine from the child and
 13 adolescent immunization schedule by operation of
 14 paragraph (1).

15 “(3) RULE OF CONSTRUCTION.—The removal
 16 of a vaccine from the child and adolescent immuni-
 17 zation schedule by operation of paragraph (1) shall
 18 not be construed to affect the authority of the Sec-
 19 retary (or other officials, agencies, or offices) to
 20 place such vaccine back on such schedule so long as
 21 such placement is in accordance with subsection (a)
 22 and other applicable provisions of law.

23 “(c) DEFINITION.—In this section, the term ‘child
 24 and adolescent immunization schedule’ means the child
 25 and adolescent immunization schedule of the Advisory

- 1 Committee of Immunization Practices (or any successor
- 2 schedule).”.

