

111TH CONGRESS
1ST SESSION

H. R. 3188

To prohibit Federal funding or other assistance for mandatory human papillomavirus (HPV) vaccination programs.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2009

Mr. GINGREY of Georgia (for himself, Mrs. BLACKBURN, Mr. LATTA, Mr. MARCHANT, Mr. AKIN, Mr. BARTLETT, Mr. PITTS, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. POSEY, Mr. HENSARLING, and Mr. BRADY of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit Federal funding or other assistance for mandatory human papillomavirus (HPV) vaccination programs.

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 “Parental Right to De-
5 cide Protection Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) HPV, the human papillomavirus, is the
9 most common sexually transmitted infection in the

1 United States. HPV types 16 and 18 cause about 70
2 percent of cervical cancers. The Centers for Disease
3 Control and Prevention estimates that about
4 6,200,000 Americans become infected with HPV
5 each year and that over half of all sexually active
6 men and women become infected at some time in
7 their lives. On average, there are 9,710 new cases of
8 cervical cancer and 3,700 deaths attributed to it in
9 the United States each year.

10 (2) Early detection is the key to diagnosing and
11 curing cervical cancer, and therefore the Food and
12 Drug Administration (FDA) recommends that all
13 women get regular Pap tests. The Pap test looks for
14 cell changes caused by HPV, so the cervix can be
15 treated before the cells turn into cancer. The FDA
16 also states the Pap test can also find cancer in its
17 early stages so it can be treated before it becomes
18 too serious, and reaches the conclusion that it is
19 rare to die from cervical cancer if the disease is
20 caught early.

21 (3) On June 8, 2006, the FDA approved
22 Gardasil, the first vaccine developed to prevent cer-
23 vical cancer, precancerous genital lesions, and gen-
24 ital warts due to human papillomavirus (HPV) types
25 6, 11, 16, and 18. Gardasil is a recombinant vac-

1 cine, it does not contain a live virus, and it is given
2 as three injections over a six-month period. The vac-
3 cine is approved for use in females 9–26 years of
4 age. However, the FDA also states that since the
5 vaccine is new, more studies need to be done to de-
6 termine how long women will be protected from
7 HPV. For example, the FDA does not know if a
8 booster is needed after a couple of years to ensure
9 continuity of protection.

10 (4) As detailed by the FDA, four studies were
11 conducted in 21,000 women, one in the United
12 States and three multinational, to show how well
13 Gardasil worked in women between the ages of 16
14 and 26. The study period was not long enough for
15 cervical cancer to develop; however, preventing cer-
16 vical precancerous lesions is believed highly likely to
17 result in the prevention of cervical cancer.

18 (5) In January 2007 the Advisory Committee
19 on Immunization Practices (ACIP), under the Cen-
20 ters for Disease Control and Prevention, issued
21 changes to the previous childhood and adolescent im-
22 munization schedule. The ACIP recommends the
23 new human papillomavirus vaccine (HPV) to be ad-
24 ministered in a 3-dose schedule with the second and
25 third doses administered 2 and 6 months after the

1 first dose. Routine vaccination with HPV is rec-
2 ommended for females aged 11–12 years, the vac-
3 cination series can be started in females as young as
4 age 9 years, and a catch up vaccination is rec-
5 ommended for females aged 13–26 years who have
6 not been vaccinated previously or who have not com-
7 pleted the full vaccine series.

8 (6) In July 2008 Judicial Watch, a Wash-
9 ington-based public interest group, reported that
10 there have been close to 9,000 health complaints as
11 a result of Gardasil. These complaints have surfaced
12 because Gardasil recipients have experienced every-
13 thing from massive wart outbreaks to paralysis, and
14 even death in 18 cases.

15 (7) States historically have maintained the
16 practice of applying immunization recommendations
17 to their school admittance policies so as to protect
18 schoolchildren from outbreaks of contagious disease.
19 The Association of American Physicians and Sur-
20 geons states that there is no public health purpose
21 for mandating HPV vaccine for schoolchildren. HPV
22 is a sexually transmitted disease.

23 (8) With a number of states entertaining legis-
24 lation which takes the unprecedented step in requir-
25 ing young girls to obtain a vaccine for a disease that

1 is not spread by casual contact in order to attend
2 school, many organizations and associations have
3 come out against mandatory HPV vaccine programs.

4 (9) The American College of Pediatricians and
5 the Association of American Physicians and Sur-
6 geons are opposed to any legislation which would re-
7 quire HPV vaccination for school attendance. They
8 have stated that excluding children from school for
9 refusal to be vaccinated for a disease spread only by
10 intercourse is a serious, precedent-setting action that
11 trespasses on the right of parents to make medical
12 decisions for their children as well as on the rights
13 of the children to attend school.

14 (10) Federal funds should not be used to imple-
15 ment a mandatory vaccine program for a disease
16 that does not threaten the public health of school-
17 children in the course of casual, daily interaction be-
18 tween classmates and inserts the government into
19 the lives of children, parents, and physicians.

20 **SEC. 3. PROHIBITION AGAINST FUNDING FOR MANDATORY**
21 **HUMAN PAPILOMAVIRUS (HPV) VACCINA-**
22 **TION PROGRAMS.**

23 No Federal funds or other assistance may be made
24 available to any State or political subdivision of a State

- 1 to establish or implement any requirement that individuals
- 2 receive vaccination for human papillomavirus (HPV).

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