



January 25, 2022

The Honorable Louis Gohmert
United States House of Representatives
2269 Rayburn HOB
Washington, DC 20515

Re: Support for H.R. 5816 National Informed Consent Exemption (NICE) Act

Dear Representative Gohmert:

On behalf of the National Vaccine Information Center (NVIC), the oldest charitable organization in the U.S. dedicated to preventing vaccine injuries and deaths through public education and defending the human right to informed consent to vaccination, thank you for sponsoring and leading the effort to pass the National Informed Consent Exemption (NICE) Act ([HR. 5816](#)) introduced in the House of Representatives on Nov. 2, 2021. Your commitment to defending the human right to [informed consent](#) to medical risk taking is commendable and aligns with [NVIC's mission](#) since 1982 to secure vaccine safety and informed consent protections in U.S. public health policies and laws.

NVIC was founded and is operated by parents of vaccine injured children and does not make vaccine use recommendations. NVIC supports the availability of all preventive health care options and the legal right for individuals to make informed, voluntary health choices for themselves and their minor children without being coerced or sanctioned in any way for the decision made.

When NVIC co-founders worked with Congress in the early 1980s to ensure that vaccine safety informing, reporting, recording and research provisions were included in the [National Childhood Vaccine Injury Act of 1986](#) and to ensure that vaccine manufacturers and providers would not be completely shielded from civil liability, we believed the Act would elevate vaccine safety research and informed vaccine decision-making to a national priority. Unfortunately, through a series of weakening congressional amendments and rule making by federal agencies eliminating provider liability and gutting safety and compensation provisions, which culminated with a [flawed 2011 U.S. Supreme Court decision](#) eliminating design defect liability for vaccine manufacturers, the [1986 Act has failed](#) to live up to that promise.

Today, there is no accountability or liability on the part of private corporations making and selling FDA licensed and CDC recommended vaccines distributed in the U.S. or for those administering those vaccines. Under these circumstances, respect for the human right to autonomy and adherence to the ethical and legal principle of [informed consent](#) to medical risk

taking becomes an even more profound moral imperative for government to protect, whether or not there is a declared public health emergency.

Inherent in the ethical principle of informed consent to medical risk taking, whether it applies to [voluntary consent of humans in scientific experiments](#) or medical treatment of [patients](#), is protection of autonomy, which is internationally recognized as the [first human right](#). The natural right to autonomy and self-determination is exemplified in the Preamble of the [U.S. Constitution](#) (“We, the people of the United States”) and [Bill of Rights](#), including the First Amendment (“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”); 4th Amendment (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated”); and 14th Amendment (“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”).

NVIC offers strong support for the National Informed Consent Exemption (NICE) Act because it (1) affirms fundamental natural rights guaranteed in the U.S. Constitution, including autonomy, and the right to exercise freedom of thought and conscience; and (2) protects the legal right to make an informed, voluntary decision about use of a liability free pharmaceutical product that carries two risks: a risk the product will cause injury or death and a risk the product will fail to work as advertised.

Please contact me if I can be of any assistance in providing background information to your staff about NVIC, the history of the 1986 National Childhood Vaccine Injury Act of 1986, or NVIC’s position on this bill.

Very truly yours,



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NVIC.org
NVICAdvocacy.org
TheVaccineReaction.org
MedAlerts.org