

# US Surveillance Bill 6666: The Devil in the Details – ‘Monstrously Unconstitutional’

## [US Surveillance Bill 6666: The Devil in the Details](#)

by [Dr. Joseph Mercola](#)

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### STORY AT-A-GLANCE

- H.R. 6666, the COVID-19 Testing, Reaching And Contacting Everyone (TRACE) Act, was introduced and referred to the House Committee on Energy and Commerce, May 1, 2020, by Rep. Bobby Rush, D-III
- The bill authorizes CDC to award grants for testing, contact tracing, monitoring and other activities to address COVID-19
- The government grants – \$100 billion of taxpayer money for 2020 alone – would be used by “eligible entities” to hire employees and buy the supplies needed to conduct testing and contact tracing, including sending employees to the residences of citizens to conduct COVID-19 testing
- H.R. 6666 does not ensure privacy. It also sets the stage for multiple violations of our constitutional rights, including the Fourth, Fifth, Eighth and Ninth amendments
- Contact your Congressional representative today, and ask them to oppose H.R. 6666

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As if vaccine passports, [COVID-19 contact tracing apps](#) and the [Rockefeller Foundation's plan](#) to reopen America don't already pose enough of a threat to civil liberties and democratic society, here comes a new bill, H.R. 6666, the COVID-19 Testing, Reaching And Contacting Everyone (TRACE) Act.<sup>1</sup>

The bill was introduced and referred to the House Committee on Energy and Commerce by Rep. Bobby Rush, D-Ill., May 1, 2020. As of May 25, 2020, the bill has 64 cosponsors – all Democrats. Originally, there also was one Republican, but he withdrew his sponsorship May 15. According to the summary of the bill:<sup>2</sup>

*“This bill authorizes the Centers for Disease Control and Prevention (CDC) to award grants for testing, contact tracing, monitoring, and other activities to address COVID-19 (i.e., coronavirus disease 2019).*

*Entities such as federally qualified health centers, nonprofit organizations, and certain hospitals and schools are eligible to receive such grants. In awarding the grants, the CDC shall prioritize applicants that (1) operate in hot spots and medically underserved communities, and (2) agree to hire individuals from the communities where grant activities occur.”*

## **H.R. 6666 – A ‘Monstrously Unconstitutional’ Bill**

Needless to say, many an eyebrow are being raised over the “6666” in the resolution. It seems both unfortunate and ironically apt. As noted by Cheryl Chumley in a May 12, 2020, Washington Times article:<sup>3</sup>

*“Mark of the beast. Mark of the beast for a beastly,*

*monstrously unconstitutional bill. After all, what's more devilishly un-American than launching one of the most massive government surveillance programs of private citizens in U.S. history, all under the guise of protecting people from the coronavirus?"*

The government grants – a whopping \$100 billion of taxpayer money for 2020 alone – would be used by “eligible entities” to hire employees and buy the supplies needed to conduct testing and contact tracing. This includes sending employees to the residences of citizens to conduct COVID-19 testing.

Entities eligible for grant money include federally qualified health centers, school-based clinics, disproportionate share hospitals, academic medical centers, nonprofit organizations, institutions of higher education, high schools and any other entities determined to be eligible by the Health and Human Services Secretary.

If you test positive, you would then be quarantined either at a mobile health unit or in your own home. Contact tracers would also collect information about anyone you may have come into contact with so that they can be tested and, if needed, quarantined.

As noted by Chumley, just how the government intends to ensure compliance with quarantine remains an unanswered question. We now know that up to 80% of people who test positive remain asymptomatic,<sup>4</sup> and for people who feel fine, being locked up, whether at home or in a mobile unit, for two weeks or more may not be a welcome proposition at this point.

## **COVID-19 Does Not Warrant Proposed Tracking Measures**

In a nutshell, H.R. 6666 calls for taking \$100 billion of our taxpayer money to fund our own persecution. I say “persecution,” considering this virus isn’t particularly lethal for people under the age of 80, and has an overall

survival rate of about 99% and therefore doesn't pose a significant threat for the vast majority of the population.

At present, most data are still unreliable, seeing how "suspected" cases are lumped into mortality statistics. But two situations for which we have more complete data suggest the risk from SARS-CoV-2 is minimal.

For example, of the roughly 4,800 crew on the U.S. aircraft carrier USS Theodore Roosevelt, 840 tested positive,<sup>5</sup> but 60% were asymptomatic,<sup>6</sup> meaning they had no symptoms. Only one crewmember died.<sup>7</sup>

Similarly, among the 3,711 passengers and crew onboard the Diamond Princess cruise ship, 712 (19.2%) tested positive for SARS-CoV-2, and of these 46.5% were asymptomatic at the time of testing. Of those showing symptoms, only 9.7% required intensive care and 1.3% (nine) died.<sup>8</sup>

Military personnel, as you would expect, tend to be healthier than the general population. Still, the data from these two incidents reveal several important points to consider. First of all, it suggests that even when living in close, crowded quarters, the infection rate is low.

Only 17.5% of the USS Theodore Roosevelt crew got infected – slightly lower than the 19.2% of those onboard the Diamond Princess, which had a greater ratio of older people.

Second, fit and healthy individuals are more likely to be asymptomatic than not – 60% of naval personnel compared to 46.5% of civilians onboard the Diamond Princess had no symptoms despite testing positive.

### **'Devilish' in Its Substance**

While H.R. 6666 may not be satanic, it's certainly "devilish," Bob Barr writes in a May 20, 2020, Marietta Daily Journal op-

ed.<sup>9</sup> Barr, president and CEO of the Law Enforcement Education Foundation, is a former U.S. Congressman for Georgia's Seventh District.

*"Make no mistake ... the bill is a dangerous piece of legislation, not because of its number, but because of its substance," Barr writes. "It is the latest in a long line of legislative vehicles ... to increase the federal government's power to gather and database private information on citizens ..."*

*In this latest effort, House Democrats have employed the tradecraft for which the Congress has become notoriously adept – hiding the true purpose of legislation behind a façade of protecting people from a known or perceived danger ..."*

*The specific provisions within H.R. 6666 pose a very real danger; not only as a stand-alone bill ... but as a possible amendment that could be slipped into the most recent, massive COVID-19 'stimulus' bill that passed the House last week.*

*The administration already has signaled support for some version of a Phase IV relief package, and whatever that final document looks like, it is certain to be long and complicated, making it a perfect vehicle in which to hide a provision for 'contact tracing' similar perhaps to what Rush's TRACE Act would do ...*

*Those of us who are concerned about the growth of government surveillance and data-basing of personal information must be vigilant against measures like the TRACE Act, regardless of their surface appeal. We must demand the Congress and the Administration aggressively oppose any such measures."*

## **WARNING: Apple, Android Updates Include API for Tracing Apps**

Considering the latest iPhone and Android updates make the phones contact-tracing ready, the bill has, in pragmatic terms, already come to pass.

As reported by Global World Trends,<sup>10</sup> Apple's iOS 13.5 update contains a built-in Exposure Notifications API, which will "allow governments and public health agencies to develop apps that alert you if you've come into contact with someone who later tests positive for Covid-19 and that person anonymously logs their positive result into a database."

API stands for "application programming interface."<sup>11</sup> It's essentially a set of functions that allow apps to access certain data or features of the operating system. That said, you would still have to download a contact tracing app in order to participate in a contact tracing program, according to an Apple representative.<sup>12</sup>

## **HR 6666 Sets Us on a Dangerous Path**

As detailed by the National Vaccine Information Center (NVIC) in a recent "Action Alert" emailed to users of NVIC's Advocacy Portal:<sup>13</sup>

*"H.R. 6666 is a federal funding bill. It proposes to create a surveillance infrastructure that can be used by the federal government, as well as local and state governments and private businesses, to require medical testing and tracking of all citizens.*

*This is in violation of fundamental civil liberties as set forth in the Bill of Rights, which include the first 10 amendments to the U.S. Constitution designed to protect individual rights and limit the power of the government.*

*H.R. 6666 lacks safeguards and conditions related to funding of the proposed surveillance operation to prevent it from being applied to intrusive programs mandating testing and surveillance without an individual's voluntary consent.*

*If this legislation is passed by Congress and enacted into law, it could lead to denial of an individual's right to appear in public spaces and travel; the right to employment and education or participation in government-funded services, and the right to receive care in a government funded hospital or other any other medical facility.*

*H.R. 6666 specifically allows for funded entities to home quarantine a person against their will, even while they are healthy. Once a vaccine is available, the testing and tracing results potentially could be used to force individuals to be injected with a COVID-19 vaccine against their will."*

As noted by NVIC, while the bill specifies that "Nothing in this section shall be construed to supersede any Federal privacy or confidentiality requirement, including the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996," H.R. 6666 in no way guarantees privacy.

HIPAA "has always allowed disclosure of private health information to government officials and other government approved entities including foreign governments without the knowledge or consent of the individual for the purpose of conducting public health surveillance, investigations or interventions," NVIC writes.<sup>14</sup>

## **Public Health Crisis Does Not Suspend Bill of Rights**

NVIC also highlights the fact that the Bill of Rights in the U.S. Constitution cannot be suspended or ignored by state or federal government during public health emergencies.

As noted by the U.S. Department of Justice in a recent Statement of Interest in Support of Plaintiffs in the case of Temple Baptist Church against the City of Greenville and its mayor, which banned drive-in church services and slapped attendees with fines:<sup>15</sup>

*“There is no pandemic exception, however, to the fundamental liberties the Constitution safeguards. Indeed, ‘individual rights secured by the Constitution do not disappear during a public health crisis.’*

*In re Abbott, – F.3d –, 2020 WL 1685929, at \*6 (5th Cir. Apr. 7, 2020). These individual rights, including the protections in the Bill of Rights made applicable to the states through the Fourteenth Amendment, are always in force and restrain government action.”*

Indeed, H.R. 6666 “sets the stage for multiple violations of our constitutional rights,” NVIC notes, including the Fourth, Fifth, Eighth and Ninth amendments:

- The Fourth Amendment<sup>16</sup> right of American citizens is to be secure in their persons, houses, papers and effects against unreasonable searches and seizures. As explained by NVIC:

*“The bill does not allow individuals to exercise their Constitutional right to be safe in their homes free from warrantless government intrusion, and does not provide for voluntary refusal of testing and monitoring by a government funded entity.*

*The bill also does not set forth how the contacts of persons with COVID-19 will be traced and whether the Constitutional rights of those infected with COVID-19, as well as their contacts, will be upheld.”*



- The Fifth Amendment<sup>17</sup> of the U.S. Constitution guarantees that no person shall be deprived of life, liberty or property, without due process of law.

*“This legislation provides government funding of entities that will enforce testing and potentially enforce vaccination of healthy individuals, who are suspected of having come into contact with COVID-19 positive persons whether or not they are exhibiting symptoms, without requiring the voluntary consent of the individual,” NVIC writes.*

- The Eighth Amendment<sup>18</sup> prohibits cruel and unusual punishment of citizens. In this case, as noted by NVIC:

*“The proposed law provides government funding to entities that will create and implement programs that trace, monitor and support the enforced quarantine of healthy individuals, who are suspected of coming into contact with COVID-19 persons, whether or not they are exhibiting symptoms and whether or not they may already be immune.”*

- The 9th Amendment<sup>19</sup> of the U.S. Constitution bestows upon the people rights not specifically set forth in the Constitution.

*“H.R. 6666 provides funding for entities to create and implement undefined ‘related activities’ to COVID-19 testing and unnamed ‘other purposes.’”*

## **Take Action Today!**

“H.R. 6666 should be opposed because it provides federal funding to entities to create and enforce unrestricted surveillance, testing, tracing and quarantine mechanisms and has no set end date. There is simply no way to know how many inalienable rights protected under the U.S. Constitution could be infringed upon or taken away from citizens if this bill

becomes law,” NVIC says.

I urge you to take action today and help us stop this nasty bill. Call and email your U.S. congressional representative and ask them to vote against H.R. 6666, the “COVID–19 Testing, Reaching, And Contacting Everyone (TRACE) Act.”

Feel free to select a few salient points to personalize your message. Keep in mind that many staffers are still working remotely, so be prepared to leave a coherent phone message.

If you’re unsure who your representative is, or don’t have their contact information, you can [look them up on the NVIC’s Advocacy Portal](#). Just enter your zip code and click on the names listed to get their contact information. If you happen to live near a district office, you may also consider setting up a longer phone call, video chat or face-to-face meeting with your representative or staff.

The nonprofit National Vaccine Information Center (NVIC) is the largest and oldest consumer-led organization in the U.S. disseminating information on vaccines and infectious diseases and advocating for protection of the legal right to make voluntary vaccination decisions. NVIC researches and publishes referenced information you can trust and use for talking points when you speak with your legislators.

I urge you to register as a user of the free online [NVIC Advocacy Portal](#) so you can receive timely email Action Alerts from NVIC tailored to your state and access state and federal legislation action items and updates on the Portal website. NVIC constantly reviews and updates the status of pending vaccine-related bills so you can take action to protect your rights.

“Bills can change many times over the legislative process and your timely visits, calls, and emails directed at the correct legislators are critical to this process,” NVIC writes. Lastly, take a moment to forward this newsletter to your

friends and family, and ask them to share their concerns with their elected representatives as well.