

118TH CONGRESS
1ST SESSION

H. R. 3458

To establish certain remedies for certain individuals involuntarily separated from the Armed Forces solely on the basis of refusing to receive vaccinations against COVID–19.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mr. RUTHERFORD (for himself, Mr. DESJARLAIS, Mr. RESCENTIALER, Mr. POSEY, Mr. COLLINS, Mr. WEBSTER of Florida, Mr. CARL, Mr. SELF, Mrs. MILLER of Illinois, Mr. DIAZ-BALART, Mr. MURPHY, Mrs. SPARTZ, Mr. MOONEY, Ms. TENNEY, Mr. BIGGS, Mr. MORAN, Mr. SANTOS, Mr. WEBER of Texas, Mr. C. SCOTT FRANKLIN of Florida, Mr. MILLER of Ohio, Mr. BEAN of Florida, Mr. OWENS, Mr. BILIRAKIS, Mr. GUEST, and Mr. NEHLS) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To establish certain remedies for certain individuals involuntarily separated from the Armed Forces solely on the basis of refusing to receive vaccinations against COVID–19.

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 “Reinstate Our Troops
5 Act”.

1 **SEC. 2. CERTAIN REMEDIES FOR CERTAIN INDIVIDUALS IN-**
2 **VOLUNTARILY SEPARATED FROM THE**
3 **ARMED FORCES SOLELY ON THE BASIS OF**
4 **REFUSING TO RECEIVE VACCINATIONS**
5 **AGAINST COVID-19.**

6 (a) REINSTATEMENT.—

7 (1) ELECTION.—At the election of a covered in-
8 dividual, the Secretary concerned shall reinstate the
9 covered individual as a member of the Armed Force
10 concerned, in the same rank and grade the covered
11 individual held at the time of separation from such
12 Armed Force.

13 (2) DEADLINES.—A covered individual may
14 make an election under this subsection during the
15 one-year period following the date of the enactment
16 of this Act. The Secretary concerned shall reinstate
17 a covered individual who makes such an election not
18 later than 30 days after such election.

19 (b) BONUSES FOR REINSTATED OR REENLISTED IN-
20 DIVIDUALS.—In the case of a covered individual who
21 makes an election under subsection (a):

22 (1) ENLISTED MEMBERS.—

23 (A) INAPPLICABILITY OF REPAYMENT PRO-
24 VISION.—Subsection (g) of section 331 of title
25 37, United States Code, shall not apply to such
26 an individual who fails to complete a period of

1 service as a member of an Armed Force solely
2 because such individual was a covered indi-
3 vidual.

4 (B) RETURN OF REPAID BONUS.—Not
5 later than 30 days after an individual described
6 in subparagraph (A) makes an election under
7 subsection (a), the Secretary concerned shall re-
8 turn to such individual a bonus paid under such
9 section to such individual and repaid by such
10 individual pursuant to such subsection (g) and
11 section 373 of such title.

12 (2) OFFICERS.—

13 (A) INAPPLICABILITY OF REPAYMENT PRO-
14 VISION.—Subsection (f) of section 332 of title
15 37, United States Code, shall not apply to such
16 an individual who fails to complete a period of
17 service as a member of an Armed Force solely
18 because such individual was a covered indi-
19 vidual.

20 (B) RETURN OF REPAID BONUS.—Not
21 later than 30 days after an individual described
22 in subparagraph (A) makes an election under
23 subsection (a), the Secretary concerned shall re-
24 turn to such individual a bonus paid under such
25 section to such individual and repaid by such

1 individual pursuant to such subsection (f) and
2 section 373 of such title.

3 (c) RETROACTIVE CHARACTERIZATIONS OF DIS-
4 CHARGE.—In the case of a covered individual who does
5 not make an election under subsection (a), the Secretary
6 concerned shall ensure that the discharge of such indi-
7 vidual is characterized as honorable.

8 (d) EXPUNGEMENT OF ADVERSE ACTION.—The Sec-
9 retary concerned shall expunge from the military service
10 record of a covered individual any reference to adverse ac-
11 tion against such individual solely on the basis of the re-
12 fusal of such individual to receive a vaccination against
13 COVID-19.

14 (e) REPORT.—Not later than 60 days after the date
15 of the enactment of this Act, the Secretary of Defense
16 shall submit to the Committees on Armed Services of the
17 Senate and House of Representatives a report on progress
18 in carrying out this section.

19 (f) DEFINITIONS.—In this section:

20 (1) The term “covered individual” means an in-
21 dividual who—

22 (A) as a member of an Armed Force, re-
23 quested an exemption from an order to receive
24 a vaccination against COVID-19; and

1 (B) was involuntarily separated from an
2 Armed Force solely on the basis of the refusal
3 of such individual to receive such a vaccination.

4 (2) The term “Secretary concerned” has the
5 meaning given such term in section 101 of title 10,
6 United States Code.

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