

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 5741

To provide an exemption to any Federal COVID–19 vaccine mandate for any Federal employee or contractor who provides proof of COVID–19 antibodies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2021

Mr. NEWHOUSE introduced the following bill; which was referred to the Committee on Oversight and Reform

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## A BILL

To provide an exemption to any Federal COVID–19 vaccine mandate for any Federal employee or contractor who provides proof of COVID–19 antibodies, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Options Over Termi-  
5       nations Act”.

1 **SEC. 2. EXEMPTION TO COVID-19 VACCINE MANDATES FOR**  
2 **FEDERAL EMPLOYEES OR CONTRACTORS**  
3 **WITH COVID-19 ANTIBODIES.**

4 (a) FEDERAL EMPLOYEES.—

5 (1) IN GENERAL.—Notwithstanding any other  
6 law, rule, or regulation, including Executive Order  
7 14043 (86 Fed. Reg. 50989; relating to requiring  
8 coronavirus disease 2019 vaccination for Federal  
9 employees), any Federal employee who provides  
10 proof of COVID-19 antibodies to their employing  
11 agency, in such form and manner as the employing  
12 agency may require, shall be exempt from any Fed-  
13 eral mandate requiring a vaccine for COVID-19.

14 (2) REIMBURSEMENT.—Subject to the avail-  
15 ability of appropriations, the employing agency shall  
16 reimburse any Federal employee at that agency for  
17 the costs of any COVID-19 antibody test for the  
18 purposes of carrying out paragraph (1).

19 (3) PROHIBITION ON ADVERSE ACTION.—No  
20 adverse action (including a suspension, furlough, re-  
21 moval, or reduction in pay or grade) may be taken  
22 against any Federal employee who elects to meet the  
23 requirements of the exemption described in para-  
24 graph (1).

25 (4) EMPLOYEE DEFINED.—In this subsection,  
26 the term “Federal employee” has the meaning given

1 the term “employee” in section 2105 of title 5,  
2 United States Code, and includes—

3 (A) an officer or employee of the United  
4 States Postal Service or of the Postal Regu-  
5 latory Commission; and

6 (B) an employee appointed under chapter  
7 73 or 74 of title 38, United States Code, not-  
8 withstanding section 7425(b) of such title.

9 (b) FEDERAL CONTRACTORS.—Any contract entered  
10 into by the Federal Government that requires any em-  
11 ployee or individual described under that contract, or any  
12 subcontract (at any tier), to receive a COVID–19 vaccina-  
13 tion shall include—

14 (1) an exemption from such requirement for  
15 any such employee or individual who provides proof  
16 of the presence of COVID–19 antibodies;

17 (2) a requirement that any such employee or in-  
18 dividual who so provides proof shall be reimbursed,  
19 at the expense of the Federal Government, for the  
20 cost of any applicable COVID–19 antibody test; and

21 (3) a requirement that the contractor may not  
22 retaliate against any employee who elects to meet  
23 the requirements of the exemption described in para-  
24 graph (1).

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