

117TH CONGRESS  
2D SESSION

# H. R. 6649

To prohibit adverse action against a member of the Armed Forces who refuses to receive a vaccination against COVID–19, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2022

Mr. ROY (for himself, Mrs. GREENE of Georgia, Mr. CLOUD, Mr. POSEY, Mr. ROSENDALE, Mr. GOHMERT, Mr. TAYLOR, and Mr. GOOD of Virginia) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To prohibit adverse action against a member of the Armed Forces who refuses to receive a vaccination against COVID–19, 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 “Service Restoration  
5 Act”.

6 **SEC. 2. PROTECTIONS FOR MEMBERS OF THE ARMED**  
7 **FORCES WHO REFUSE TO RECEIVE VACCINA-**  
8 **TIONS AGAINST COVID–19.**

9 (a) PROHIBITIONS.—

1           (1) FEDERAL FUNDING.—No Federal funds  
2 may be used to require a member of the Armed  
3 Forces to receive a vaccination against COVID–19.

4           (2) ADVERSE ACTION.—The Secretary con-  
5 cerned may not take any adverse action against a  
6 member of the Armed Forces solely on the basis that  
7 such member refuses to receive a vaccination against  
8 COVID–19.

9           (b) REINSTATEMENT.—

10           (1) REQUIREMENT.—At the election of a cov-  
11 ered individual, the Secretary concerned shall rein-  
12 state such covered individual—

13                   (A) as a member of the Armed Force con-  
14 cerned; and

15                   (B) in the grade held by such covered indi-  
16 vidual immediately before the involuntary sepa-  
17 ration of the covered individual.

18           (2) COMPUTATION OF RETIRED OR RETAINER  
19 PAY.—In the case of an covered individual reinstated  
20 as a member of the Armed Forces under paragraph  
21 (1), the Secretary concerned shall include, in the  
22 computation of retired or retainer pay for such cov-  
23 ered individual, the time between the involuntary  
24 separation of such covered individual and such rein-  
25 statement.

1           (c) EXPUNGEMENT.—The Secretary concerned shall  
2 expunge, from the service record of a covered individual  
3 or a member of the Armed Forces who received an adverse  
4 action solely on the basis of such member to receive a vac-  
5 cination against COVID–19, each reference to involuntary  
6 separation, or to adverse action, solely on such basis.

7           (d) DEFINITIONS.—In this section:

8                 (1) The term “adverse action” includes the fol-  
9                 lowing:

10                         (A) Retaliation.

11                         (B) Punishment.

12                         (C) Disparate treatment.

13                         (D) A requirement to wear a mask.

14                         (E) A requirement to reside in sub-  
15                 standard housing.

16                 (2) The term “covered individual” means an in-  
17                 dividual involuntarily separated from the Armed  
18                 Forces solely on the basis of the refusal of such indi-  
19                 vidual to receive a vaccination against COVID–19.

20                 (3) The term “Secretary concerned” has the  
21                 meaning given that term in section 101 of title 10,  
22                 United States Code.

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