

118TH CONGRESS  
1ST SESSION

# H. R. 881

To establish certain protections for a member of the Armed Forces, or a cadet or midshipman at a Federal service academy, who refuses to receive a vaccination against COVID–19.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2023

Mr. STEUBE introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish certain protections for a member of the Armed Forces, or a cadet or midshipman at a Federal service academy, who refuses to receive a vaccination 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 “Safeguarding the U.S.  
5 Armed Forces and Service Academies Act”.

1 **SEC. 2. CERTAIN PROTECTIONS FOR A MEMBER OF THE**  
2 **ARMED FORCES, OR A CADET OR MID-**  
3 **SHIPMAN AT A FEDERAL SERVICE ACADEMY,**  
4 **WHO REFUSES TO RECEIVE A VACCINATION**  
5 **AGAINST COVID-19.**

6 (a) PROHIBITIONS.—

7 (1) VACCINE MANDATES.—No Federal funds  
8 may be used—

9 (A) to enforce a mandate, in effect on the  
10 date of the enactment of this Act, that a mem-  
11 ber of the Armed Forces, or a cadet or mid-  
12 shipman at a Federal service academy, receive  
13 a vaccination against COVID-19; or

14 (B) to establish or enforce, on or after the  
15 effective date of this Act, a mandate that a  
16 member of the Armed Forces, or a cadet or  
17 midshipman at a Federal service academy, re-  
18 ceive a vaccination against COVID-19.

19 (2) ADVERSE ACTION.—No member of the  
20 Armed Forces, or cadet or midshipman at a Federal  
21 service academy, may be subject to adverse action  
22 solely on the basis of the refusal of such member,  
23 cadet, or midshipman to receive a vaccination  
24 against COVID-19.

25 (b) REINSTATEMENT.—At the request of a covered  
26 individual, the Secretary concerned shall—

1 (1) reinstate the covered individual—

2 (A) as a member of the Armed Force con-  
3 cerned, in the same rank and grade the covered  
4 individual held at the time of separation from  
5 the Armed Force concerned; or

6 (B) as a cadet or midshipman at the Fed-  
7 eral service academy concerned, with the credits  
8 the covered individual had completed at the  
9 time of separation from such Federal service  
10 academy;

11 (2) expunge from the service record of the cov-  
12 ered individual any reference to adverse action  
13 against the covered individual solely on the basis of  
14 the refusal of the covered individual to receive a vac-  
15 cination against COVID–19; and

16 (3) include, in the computation of the retired or  
17 retainer pay of such covered individual, the period  
18 between the involuntary separation and the rein-  
19 statement of the covered individual.

20 (c) BACK PAY.—A covered individual who was invol-  
21 untarily discharged from an Armed Force and who makes  
22 a request under subsection (b) shall be entitled to back  
23 pay for the period between such separation and reinstate-  
24 ment of the covered individual.

1 (d) MANDATORY CHARACTERIZATION OF DIS-  
2 CHARGE.—

3 (1) PROSPECTIVE CHARACTERIZATIONS.—Sub-  
4 section (a) of section 736 of the National Defense  
5 Authorization Act for Fiscal Year 2022 (Public Law  
6 117–81; 10 U.S.C. 1161 note), as amended by sec-  
7 tion 525 of the James M. Inhofe National Defense  
8 Authorization Act for Fiscal Year 2023 (Public Law  
9 117–263), is further amended by striking “shall  
10 be—” and all that follows and inserting “shall be an  
11 honorable discharge”.

12 (2) RETROACTIVE CHARACTERIZATIONS.—The  
13 Secretary concerned shall ensure that the character-  
14 ization of the discharge of a covered individual from  
15 an Armed Force that occurred before the date of the  
16 enactment of this Act is characterized as honorable.

17 (e) PERSONNEL SHORTAGE.—The Secretary con-  
18 cerned shall take such steps that the Secretary determines  
19 necessary to remedy any personnel shortage arising from  
20 the mandate that a member of the Armed Forces, or a  
21 cadet or midshipman at a Federal service academy, receive  
22 a vaccination against COVID–19.

23 (f) DEFINITIONS.—In this section:

24 (1) The term “covered individual” means an in-  
25 dividual who was involuntarily separated, solely on

1 the basis of the refusal of such individual to receive  
2 a vaccination against COVID–19, from—

3 (A) an Armed Force; or

4 (B) a Federal service academy.

5 (2) The term “Federal service academy” means  
6 the following:

7 (A) The United States Military Academy.

8 (B) The United States Naval Academy.

9 (C) The United States Air Force Academy.

10 (D) The United States Coast Guard Acad-  
11 emy.

12 (E) The United States Merchant Marine  
13 Academy.

14 (3) The term “Secretary concerned”—

15 (A) with regards to an Armed Force, has  
16 the meaning given such term in section 101 of  
17 title 10, United States Code; and

18 (B) with regards to the United States Mer-  
19 chant Marine Academy, means the Secretary of  
20 Transportation.

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