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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. RUTHERFORD introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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 an covered  
8 individual, the Secretary concerned shall reinstate  
9 the covered individual as a member of the Armed  
10 Force concerned, in the same rank and grade the  
11 covered individual held at the time of separation  
12 from such 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 an 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 an 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.