AMENDMENT TO H.R. 2670
OFFERED BY MR. BANKS OF INDIANA

At the appropriate place in title V, insert the following:

SEC. 5. PROTECTIONS FOR MEMBERS OF CERTAIN ARMED FORCES WHO REFUSE TO RECEIVE VACCINATIONS AGAINST COVID-19.

(a) Prohibition on Adverse Action.—The Secretary of the military department concerned may not take any adverse action against a member of a covered Armed Force solely on the basis that such member refuses to receive a vaccination against COVID-19.

(b) Reinstatement.—

(1) Request; Consideration.—At the request of a covered individual during the two years following the date of the involuntary separation of the covered individual, the Secretary of the military department concerned shall consider reinstating such covered individual—

(A) as a member of the covered Armed Force concerned; and
(B) in the grade held by such covered individual immediately before the involuntary separation of the covered individual.

(2) Treatment of period between separation and reinstatement.—The Secretary of the military department concerned shall treat the period of time between the involuntary separation of a covered individual and the reinstatement of such covered individual under paragraph (1) as a period of inactivation from active service under the following provisions of section 710 of title 10, United States Code:

(A) Subsection (b).

(B) Subparagraphs (B) through (D) of paragraph (2) of subsection (f).

(C) Paragraph (4) of subsection (f).

(D) Subsection (g).

(c) Definitions.—In this section:

(1) The term “covered Armed Force” means the Army, Navy, Marine Corps, Air Force, or Space Force.

(2) The term “covered individual” means an individual involuntarily separated from a covered Armed Force solely on the basis of the refusal of
such individual to receive a vaccination against COVID-19.