

119TH CONGRESS
1ST SESSION

H. R. 4871

To provide remedies to members of the uniformed services discharged for not complying with the COVID–19 vaccination mandate.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2025

Mr. ZINKE (for himself, Mr. MCCORMICK, Mr. WEBER of Texas, Mr. GOSAR, Mr. CLOUD, and Mr. PATRONIS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, 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

A BILL

To provide remedies to members of the uniformed services discharged for not complying with the COVID–19 vaccination mandate.

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 “COVID–19 Military
5 Backpay Act of 2025”.

1 **SEC. 2. REMEDIES FOR MEMBERS OF UNIFORMED SERV-**
2 **ICES DISCHARGED FOR NOT COMPLYING**
3 **WITH COVID-19 VACCINATION MANDATE.**

4 (a) DEFINITIONS.—In this section:

5 (1) BENEFIT.—The term “benefit” means any
6 benefit available under title 10 or 37, United States
7 Code, including retirement points earned as de-
8 scribed in section 12732 of title 10, United States
9 Code, medical and dental care under chapter 55 of
10 that title, and educational assistance programs
11 under part IV of subtitle E of that title.

12 (2) COVERED DISCHARGE.—The term “covered
13 discharge”, with respect to a covered member,
14 means any the following, resulting, in whole or in
15 part, from the noncompliance of the member with
16 the COVID-19 vaccination mandate or from the
17 COVID-19 vaccination status of the member:

18 (A) Discharge or separation (including any
19 separation that may be considered to be vol-
20 untary) of the member from a uniformed serv-
21 ice.

22 (B) Any cancellation or curtailment of ac-
23 tive-duty orders issued to the member.

24 (C) Transfer of the member from an active
25 to inactive status.

1 (3) COVERED MEMBER.—The term “covered
2 member” means any individual who—

3 (A) is or was a member of an active or re-
4 serve component of a uniformed service or the
5 National Guard; and

6 (B) was at any time subject to the
7 COVID–19 vaccination mandate.

8 (4) COVID–19 VACCINATION MANDATE.—The
9 term “COVID–19 vaccination mandate” means—

10 (A) the requirement of the Secretary of
11 Defense to receive a COVID–19 vaccination
12 pursuant to the memorandum dated August 24,
13 2021, and entitled “Mandatory Coronavirus
14 Disease 2019 Vaccination of Department of De-
15 fense Service Members”; and

16 (B) any order or other requirement issued
17 by any uniformed service to implement the re-
18 quirement described in subparagraph (A).

19 (5) PAY.—The term “pay” has the meaning
20 given that term in section 101 of title 37, United
21 States Code.

22 (6) UNIFORMED SERVICES.—The term “uni-
23 formed services” has the meaning given that term in
24 section 101 of title 37, United States Code.

25 (b) CIVIL ACTIONS.—

1 (1) IN GENERAL.—A covered member may file
2 a civil action in the Court of Federal Claims for a
3 determination that the covered discharge of the
4 member was involuntary or unlawful.

5 (2) SPECIAL RULES FOR CLAIMS OF INVOLUN-
6 TARY DISCHARGE.—In a claim that the covered dis-
7 charge of a covered member was involuntary—

8 (A) it shall not be a defense that the dis-
9 charge was voluntary if the discharge resulted
10 solely from the noncompliance of the member
11 with the COVID–19 vaccination mandate or the
12 COVID–19 vaccination status of the member;
13 and

14 (B) it shall be conclusive evidence that the
15 discharge was involuntary if the discharge docu-
16 mentation of the member states that the mem-
17 ber was discharged for the convenience of the
18 Government, for failure to be world-wide
19 deployable, or for misconduct.

20 (c) REMEDIES.—

21 (1) IN GENERAL.—If the Court of Federal
22 Claims determines that the covered discharge of a
23 covered member was involuntary or unlawful, the
24 Court shall award the member the remedies specified

1 in this subsection and such other remedies as may
2 be available at law or in equity from the Court.

3 (2) MONETARY REMEDIES.—

4 (A) COMPENSATION FOR INACTIVE-DUTY
5 TRAINING.—In the case of a covered member
6 who is or was a member of a reserve component
7 of a uniformed service or the National Guard,
8 upon a determination by the Court of Federal
9 Claims that the covered discharge of the mem-
10 ber was involuntary or unlawful, the member is
11 entitled to compensation under section 206 of
12 title 37, United States Code, for inactive-duty
13 training the member did not perform if the
14 member did not perform such training as a re-
15 sult, in whole or in part, of the covered dis-
16 charge.

17 (B) NO REDUCTION OF CLAIM FOR OTHER
18 COMPENSATION.—The amount paid to a cov-
19 ered member under subparagraph (A) shall not
20 be reduced or offset by any amounts received by
21 the member from civilian employment after the
22 covered discharge.

23 (3) OTHER REMEDIES.—In addition to the
24 other remedies provided for under this subsection,
25 the Court of Federal Claims shall award the fol-

1 lowing to a covered member if the Court determines
2 that the covered discharge of the member was invol-
3 untary or unlawful:

4 (A) The member shall be deemed to have
5 served for the period beginning on the date of
6 the covered discharge of the member and end-
7 ing at the end of the member's term of service
8 or enlistment contract, plus the term of reen-
9 listment or extension of service under subpara-
10 graph (D).

11 (B) If the member would have completed
12 20 years of service during the term of service
13 or enlistment contract during which the covered
14 discharge occurred, or during the term of reen-
15 listment or extension of service under subpara-
16 graph (D), the member shall—

17 (i) be deemed—

18 (I) to have completed 20 years of
19 service; and

20 (II) to have requested and re-
21 ceived the approval of the Secretary of
22 Defense for a retirement date com-
23 mencing on the first day of the cal-
24 endar month following the completion
25 of 20 years of service; and

1 (ii) be paid retired pay or retainer pay
2 and other retirement benefits commensu-
3 rate with the member's rank and years of
4 service.

5 (C) If the member would have completed
6 18 years of service during the term of service
7 or enlistment contract during which the covered
8 discharge occurred, or during the term of reen-
9 listment or extension of service under subpara-
10 graph (D), the member shall be deemed—

11 (i) to have completed 18 years of serv-
12 ice;

13 (ii) to have requested and received the
14 approval of the Secretary of Defense for a
15 retirement date commencing on the first
16 day of the calendar month following the
17 completion of 20 years of service; and

18 (iii) in the case of an enlisted mem-
19 ber, to be eligible for retention in accord-
20 ance with section 1176 of title 10, United
21 States Code.

22 (D) The member shall, notwithstanding
23 any reentry or reenlistment code on the dis-
24 charge documentation of the member—

1 (i) be eligible to reenlist or otherwise
2 extend the service of the member; and

3 (ii) be deemed to have reenlisted or
4 extended the service of the member for an
5 additional term of two years commencing
6 on the day after the end of the term of
7 service or enlistment contract of the mem-
8 ber during which the covered discharge oc-
9 curred.

10 (E) The member shall be awarded involun-
11 tary separation pay under section 1174 of title
12 10, United States Code, and the time in service
13 and time in rank for such pay shall be cal-
14 culated to include service through the end of
15 the term of service or enlistment contract dur-
16 ing which the covered discharge occurred, plus
17 the term of reenlistment or extension of service
18 under subparagraph (D).

19 (d) JURISDICTION.—Notwithstanding section 1500 of
20 title 28, United States Code, the Court of Federal Claims
21 shall have jurisdiction over any civil action brought by a
22 covered member relating to a covered discharge.

23 (e) COORDINATION WITH EXECUTIVE ORDER
24 14184.—The remedies available under this section are in
25 addition to any remedies available pursuant to Executive

1 Order 14184 (90 Fed. Reg. 8761; relating to reinstating
2 service members discharged under the military's COVID–
3 19 vaccination mandate).

4 (f) APPLICABILITY.—This section applies with re-
5 spect to claims relating to covered discharges pending be-
6 fore the Court of Federal Claims on or after the date of
7 the enactment of this Act.

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