

117TH CONGRESS
1ST SESSION

H. R. 5741

To provide an exemption to any Federal COVID–19 vaccine mandate for any Federal employee or contractor who provides proof of COVID–19 antibodies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2021

Mr. NEWHOUSE introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To provide an exemption to any Federal COVID–19 vaccine mandate for any Federal employee or contractor who provides proof of COVID–19 antibodies, 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 “Options Over Termi-
5 nations Act”.

1 **SEC. 2. EXEMPTION TO COVID-19 VACCINE MANDATES FOR**
2 **FEDERAL EMPLOYEES OR CONTRACTORS**
3 **WITH COVID-19 ANTIBODIES.**

4 (a) FEDERAL EMPLOYEES.—

5 (1) IN GENERAL.—Notwithstanding any other
6 law, rule, or regulation, including Executive Order
7 14043 (86 Fed. Reg. 50989; relating to requiring
8 coronavirus disease 2019 vaccination for Federal
9 employees), any Federal employee who provides
10 proof of COVID-19 antibodies to their employing
11 agency, in such form and manner as the employing
12 agency may require, shall be exempt from any Fed-
13 eral mandate requiring a vaccine for COVID-19.

14 (2) REIMBURSEMENT.—Subject to the avail-
15 ability of appropriations, the employing agency shall
16 reimburse any Federal employee at that agency for
17 the costs of any COVID-19 antibody test for the
18 purposes of carrying out paragraph (1).

19 (3) PROHIBITION ON ADVERSE ACTION.—No
20 adverse action (including a suspension, furlough, re-
21 moval, or reduction in pay or grade) may be taken
22 against any Federal employee who elects to meet the
23 requirements of the exemption described in para-
24 graph (1).

25 (4) EMPLOYEE DEFINED.—In this subsection,
26 the term “Federal employee” has the meaning given

1 the term “employee” in section 2105 of title 5,
2 United States Code, and includes—

3 (A) an officer or employee of the United
4 States Postal Service or of the Postal Regu-
5 latory Commission; and

6 (B) an employee appointed under chapter
7 73 or 74 of title 38, United States Code, not-
8 withstanding section 7425(b) of such title.

9 (b) FEDERAL CONTRACTORS.—Any contract entered
10 into by the Federal Government that requires any em-
11 ployee or individual described under that contract, or any
12 subcontract (at any tier), to receive a COVID–19 vaccina-
13 tion shall include—

14 (1) an exemption from such requirement for
15 any such employee or individual who provides proof
16 of the presence of COVID–19 antibodies;

17 (2) a requirement that any such employee or in-
18 dividual who so provides proof shall be reimbursed,
19 at the expense of the Federal Government, for the
20 cost of any applicable COVID–19 antibody test; and

21 (3) a requirement that the contractor may not
22 retaliate against any employee who elects to meet
23 the requirements of the exemption described in para-
24 graph (1).

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