

118TH CONGRESS
1ST SESSION

H. R. 271

To provide for greater accountability with respect to Federal activities and expenditures relating to COVID–19, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2023

Mr. ESTES introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, the Judiciary, Armed Services, and Oversight and Accountability, 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 for greater accountability with respect to Federal activities and expenditures relating to COVID–19, 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 “Restoring Normalcy
5 in America Act”.

6 **SEC. 2. HHS COVID–19 STUDY.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services shall conduct a study on—

1 (1) the effectiveness of vaccines licensed under
2 section 351 of the Public Health Service Act (42
3 U.S.C. 262) or authorized for emergency use under
4 section 564 of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 360bbb-3) in providing immu-
6 nization against COVID-19 (including any addi-
7 tional doses of such a vaccine to be administered
8 after the primary series of doses);

9 (2) the effectiveness of treatments approved
10 under section 505 of the Federal Food, Drug, and
11 Cosmetic Act (21 U.S.C. 355), licensed under sec-
12 tion 351 of the Public Health Service Act (42
13 U.S.C. 262), or authorized for emergency use under
14 section 564 of the Federal Food, Drug, and Cos-
15 metic Act (21 U.S.C. 360bbb-3) to treat COVID-
16 19;

17 (3) the rate of transmission of SARS-CoV-2
18 throughout the United States, beginning on the first
19 day of the emergency period (as defined in section
20 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
21 1320b-5(g)(1)(B)));

22 (4) the level of preparedness of the United
23 States for future pandemics; and

24 (5) the cause and origins of the COVID-19
25 pandemic.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the Congress a report on the findings of the study con-
4 ducted under subsection (a).

5 (c) FUNDING.—Of the amounts made available to the
6 Secretary of Health and Human Services in appropria-
7 tions Acts that remain unobligated as of the date of the
8 enactment of this Act, the Secretary may use not more
9 than 3 percent of such funds to carry out this section.

10 **SEC. 3. TERMINATION OF EMERGENCY USE AUTHORITY**
11 **FOR COVID-19 PREVENTION AND TREAT-**
12 **MENT.**

13 Effective on the date of the enactment of this Act,
14 the Secretary of Health and Human Services, acting
15 through the Commissioner of Food and Drugs, may not
16 authorize under section 564 of the Federal Food, Drug,
17 and Cosmetic Act (21 U.S.C. 360bbb-3) for emergency
18 use any drug, biological product, or device for use in the
19 prevention or treatment of COVID-19.

20 **SEC. 4. COVID-19 FUNDING AUDIT.**

21 (a) IN GENERAL.—The Comptroller General of the
22 United States shall conduct an audit of all Federal fund-
23 ing made available to the Secretary of Health and Human
24 Services, the Commissioner of Food and Drugs, and the
25 Director of the Centers for Disease Control and Preven-

1 tion for programs and activities relating to COVID–19.

2 Such audit shall include—

3 (1) an accounting of the amount of such funds
4 that have been obligated or expended, disaggregated
5 by agency and activity; and

6 (2) an accounting of any such funds that re-
7 main unobligated and available for rescission.

8 (b) REPORT.—Not later than one year after the date
9 of the enactment of this Act, the Comptroller General of
10 the United States shall submit to the Congress a report
11 on the findings of the audit conducted under subsection
12 (a).

13 **SEC. 5. UNLAWFUL EMPLOYMENT PRACTICE UNDER TITLE**
14 **VII OF THE CIVIL RIGHTS ACT OF 1964 FOR**
15 **FAILURE TO OFFER RE-EMPLOYMENT TO EM-**
16 **PLOYEES DISCHARGED FOR FAILURE TO RE-**
17 **CEIVE A VACCINATION AGAINST COVID–19.**

18 For purposes of section 703(a) of title VII of the Civil
19 Rights Act of 1964 (42 U.S.C. 2003–2(a)), it shall be an
20 unlawful employment practice for an employer to fail to
21 give on request full consideration for, and to offer a posi-
22 tion at the pay and level equal to the applicable pre-dis-
23 charge pay and level, of employment to an individual pre-
24 viously discharged from employment by such employer

1 based on such individual’s failure to receive a vaccination
 2 against COVID–19.

3 **SEC. 6. COVID–19 VACCINATION STATUS AND PLACES OF**
 4 **PUBLIC ACCOMMODATION.**

5 Title II of the Civil Rights Act of 1964 (42 U.S.C.
 6 2000a et seq.) is amended as follows:

7 (1) In section 201, by inserting after “on the
 8 ground of race, color, religion,” the following: “fail-
 9 ure to receive a vaccination against COVID–19,”.

10 (2) In section 202, by inserting after “on the
 11 ground of race, color, religion,” the following: “fail-
 12 ure to receive a vaccination against COVID–19,”.

13 **SEC. 7. COVID–19 VACCINATION STATUS AND FEDERALLY**
 14 **ASSISTED PROGRAMS.**

15 Section 601 of the Civil Rights Act of 1964 (42
 16 U.S.C. 2000d) is amended by inserting “failure to receive
 17 a vaccination against COVID–19,” before “race, color,”.

18 **SEC. 8. COVID–19 VACCINATION STATUS AND EMPLOY-**
 19 **MENT.**

20 (a) REINSTATEMENT OF MEMBERS OF THE ARMED
 21 FORCES INVOLUNTARILY SEPARATED FOR REFUSING TO
 22 RECEIVE A VACCINATION AGAINST COVID–19.—

23 (1) REINSTATEMENT.—At the request of a cov-
 24 ered individual, the Secretary concerned shall—

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

6 (B) expunge from the military service
7 record of the covered individual any reference to
8 adverse action against the covered individual
9 solely on the basis of the refusal of the covered
10 individual to receive a vaccination against
11 COVID–19.

12 (2) DEFINITIONS.—In this section:

13 (A) The term “adverse action” includes in-
14 voluntary separation, demotion, and discipline.

15 (B) The term “covered individual” means
16 an individual who was involuntarily separated
17 from an Armed Force solely on the basis of the
18 refusal of such individual to receive a vaccina-
19 tion against COVID–19.

20 (C) The term “Secretary concerned” has
21 the meaning given such term in section 101 of
22 title 10, United States Code.

23 (b) REINSTATEMENT OF FEDERAL EMPLOYEES IN-
24 VOLUNTARILY SEPARATED FOR REFUSING TO RECEIVE
25 COVID–19 VACCINE.—

1 (1) IN GENERAL.—Any individual removed from
2 the civil service (as that term is defined in section
3 2101 of title 5, United States Code) solely on the
4 basis of the refusal of the individual to receive a vac-
5 cination against COVID–19 may, at the discretion
6 of the individual, be reinstated to a civil service posi-
7 tion at the same grade or level, and same rate of
8 pay, as the position from which the individual was
9 so removed.

10 (2) OTHER MATTERS.—Any notation of an ad-
11 verse action with respect to such removal in the per-
12 sonnel record file of such an individual shall be re-
13 moved.

14 (c) UNLAWFUL EMPLOYMENT PRACTICE UNDER
15 TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 FOR FAIL-
16 URE TO RECEIVE A VACCINATION AGAINST COVID–19.—
17 For purposes of section 703 of title VII of the Civil Rights
18 Act of 1964 (42 U.S.C. 2003–2), it shall be an unlawful
19 employment practice for an employer—

20 (1) to fail or refuse to hire or to discharge any
21 individual, or otherwise to discriminate against any
22 individual with respect to his compensation, terms,
23 conditions, or privileges of employment, based on
24 such individual’s failure to receive a vaccination
25 against COVID–19; or

1 (2) to limit, segregate, or classify his employees
2 or applicants for employment in any way which
3 would deprive or tend to deprive any individual of
4 employment opportunities or otherwise adversely af-
5 fect his status as an employee, based on such indi-
6 vidual's failure to receive a vaccination against
7 COVID-19.

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