

AMENDMENT TO
RULES COMMITTEE PRINT 119-8
OFFERED BY MR. HORSFORD OF NEVADA

At the end of subtitle C of title V, insert the following new section:

1 **SEC. 5___ . EXPANSION OF PROHIBITION ON INVOLUNTARY**
2 **ADMINISTRATIVE SEPARATION OR DENIAL**
3 **OF REENLISTMENT DUE TO UNSUITABILITY**
4 **BASED ON MEDICAL CONDITIONS CONSID-**
5 **ERED IN EVALUATION.**

6 (a) EXPANSION.—Section 1214a of title 10, United
7 States Code, is amended—

8 (1) in subsection (a)—

9 (A) by striking “is unsuitable for deploy-
10 ment or worldwide assignment based on the
11 same medical condition of the member consid-
12 ered by a Physical Evaluation Board during the
13 evaluation of the member.” and inserting an em
14 dash; and

15 (B) by adding at the end the following new
16 paragraphs:

17 “(1) is unsuitable for deployment or worldwide
18 assignment based on the same medical condition of

1 the member considered by a Physical Evaluation
2 Board during the evaluation of the member; or

3 “(2) solely or primarily on the basis that the
4 member was previously diagnosed with a medical or
5 behavioral condition that no longer applies to such
6 member.”; and

7 (2) by adding at the end the following new sub-
8 section:

9 “(d) LIMITATION.—The Secretary of Defense may
10 not prescribe regulations that would render a member
11 unfit for duty or unsuitable for deployment or worldwide
12 assignment until 90 days after the Secretary submits to
13 the Committees on Armed Services of the Senate and
14 House of Representatives written notification of the inten-
15 tion to prescribe such regulations.”.

16 (b) REVIEW.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall conduct a review to identify
20 each involuntary administrative separation of a
21 member of the Armed Forces during the two-year
22 period preceding such date of a member—

23 (A) that was based in whole or in part on
24 the basis that the member was diagnosed with
25 a medical or behavioral health condition; and

1 (B) who was not referred to the Disability
2 Evaluation System.

3 (2) REFERRAL.—The Secretary shall refer each
4 separation identified under paragraph (1) to a Cor-
5 rections Board or Physical Evaluation Board.

6 (3) REMEDY.—If a Corrections Board or Phys-
7 ical Evaluation Board determines, pursuant to a re-
8 ferral under paragraph (2), that the member would
9 have qualified for a retirement or separation under
10 chapter 61 of title 10, United States Code, the Sec-
11 retary shall—

12 (A) retire or separate such member accord-
13 ingly; and

14 (B) award to the member all pay or bene-
15 fits to which the member would have been enti-
16 tled on the basis of such retirement or separa-
17 tion.

18 (c) DEFINITIONS.—In this section:

19 (1) The term “Corrections Board” has the
20 meaning given such term in section 1557 of title 10,
21 United States Code.

22 (2) The term “Disability Evaluation System”
23 has the meaning given such term in section 1602 of

- 1 the Wounded Warrior Act (Public Law 110–181; 10
- 2 U.S.C. 1071 note).

