

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. SMITH OF NEW JERSEY

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

1 **SEC. 5___ . PROTECTIONS FOR MEMBERS OF THE ARMED**
2 **FORCES WHO REFUSE TO RECEIVE VACCINA-**
3 **TIONS AGAINST COVID-19.**

4 (a) CHARACTERIZATION OF DISCHARGE OR DIS-
5 MISSAL.—

6 (1) PROHIBITION OF DISHONORABLE CHARAC-
7 TERIZATION.—The characterization of the discharge
8 or dismissal of a covered individual shall be honor-
9 able.

10 (2) UPGRADE.—In the case of a covered indi-
11 vidual discharged or dismissed from the Armed
12 Forces before the date of the enactment of this Act,
13 the Secretary concerned shall upgrade the character-
14 ization of such discharge or dismissal to honorable.

15 (b) PROHIBITION OF DENIAL OF RETIRED PAY AND
16 BENEFITS.—No covered individual may be denied, solely
17 on the basis that such individual is a covered individual,
18 any—

1 (1) retired or retainer pay; or

2 (2) benefit under a law administered by the
3 Secretary of Defense or the Secretary of Veterans
4 Affairs (including post-9/11 educational assistance
5 under chapter 33 of title 38, United States Code).

6 (c) DEFINITIONS.—In this section:

7 (1) The term “covered individual” means an in-
8 dividual involuntarily separated from the Armed
9 Forces solely on the basis of the refusal of such indi-
10 vidual to receive a vaccination against COVID-19.

11 (2) The term “Secretary concerned” has the
12 meaning given that term in section 101 of title 10,
13 United States Code.

