

117TH CONGRESS
2D SESSION

H. R. 7570

To establish certain protections for individuals involuntarily separated from the Armed Forces solely on the basis of refusing to receive vaccinations against COVID-19.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2022

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To establish certain protections for individuals involuntarily separated from the Armed Forces solely on the basis of refusing to receive vaccinations against COVID-19.

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. PROTECTIONS FOR INDIVIDUALS INVOLUN-**
4 **TARILY SEPARATED FROM THE ARMED**
5 **FORCES SOLELY ON THE BASIS OF REFUSING**
6 **TO RECEIVE VACCINATIONS AGAINST COVID-**
7 **19.**

8 (a) REINSTATEMENT.—At the request of a covered
9 individual, the Secretary concerned shall reinstate the cov-

1 ered individual as a member of the Armed Force con-
2 cerned, in the same rank and grade the covered individual
3 held at the time of separation from the Armed Force con-
4 cerned.

5 (b) CHARACTERIZATION OF DISCHARGE OR DIS-
6 MISSAL.—

7 (1) PROHIBITION OF CHARACTERIZATION
8 OTHER THAN HONORABLE.—The characterization of
9 the discharge or dismissal of a covered individual
10 shall be honorable.

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

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

20 (1) retired or retainer pay; or

21 (2) benefit (including educational assistance)
22 under a law administered by the Secretary of De-
23 fense or the Secretary of Veterans Affairs.

24 (d) DEFINITIONS.—In this section:

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

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

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