

117TH CONGRESS  
1ST SESSION

# H. R. 6288

To establish certain protections for members of the Armed Forces who refuse to receive vaccinations against COVID–19.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2021

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

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## A BILL

To establish certain protections for members of the Armed Forces who refuse 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. SENSE OF CONGRESS.**

4       It is the sense of Congress that no member of the  
5       Armed Forces should be required to receive a vaccination  
6       against COVID-19.

1 **SEC. 2. 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—

19 (1) retired or retainer pay; or

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

24 (c) DEFINITIONS.—In this section:

25 (1) The term “covered individual” means an in-  
26 dividual involuntarily separated from the Armed

1        Forces solely on the basis of the refusal of such indi-  
2        vidual to receive a vaccination against COVID-19.

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

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