

NDAA Amendments to Repair Readiness, Retention, and Recruitment Issues Caused by Department of Defense's COVID Policies

TITLE V—MILITARY PERSONNEL POLICY.

Subtitle C—General Service Authorities and Military Records

Sec. 524. Change of mandatory characterizations of administrative discharges of certain members on the basis of failure to receive COVID-19 vaccine.

Rescinds sec. 736 of the FY22 NDAA which covers involuntary administrative discharges for failure to obey an order to receive the vaccine. Any service member separating as a result of COVID-19 policy shall have their characterization of service be honorable with no negative coding for reason for their separation.

The Secretary of Defense shall immediately afford all veterans separated under or due to COVID-19 policies to be reinstated in service to previous rank and acceptable position without delay. Upon return to service, previously separated members shall immediately promote to the next higher grade except E-9s who shall receive a reenlistment bonus of \$50,000. Reinstatement shall be retroactive to the date of a member's separation so there is no break in service, meaning members are made whole including but not limited to adjustments in Time in Service, Time in Grade, retroactive consideration for training and school opportunities, back pay, leave accrual, 9/11 GI bill benefits, retroactive access and coverage to Tricare with ability to make medical claims while abandoned by the military, and other relevant administrative and professional factors. Veterans returning to service under this clause shall incur a three year service commitment.

Veterans who outright refused COVID-19 vaccination or had been denied even verbal requests for accommodation or exemption from the COVID-19 vaccination mandate or associated Force Health Protection Guidance and who prefer to remain separated shall have their DD-214 characterization of service made "honorable" and any negative separation codes, such as "serious offense" or "misconduct" shall be replaced with positive codes. Any Veteran separated under the vaccine mandate provisions shall receive 6 months' pay and allowances based on rank at separation or rank prior to mandate issuance, whichever is higher, and separation duty station. Veterans will also be made retroactively eligible for Tricare from their date of separation due to the COVID-19 vaccine mandate until 6 months after passage of this NDAA. This means veterans will receive six months of pay and be eligible for six months of Tricare and be eligible to make Tricare claims for prior medical services as if they had been under Tricare.

Veterans separated due to vaccine injuries, having complied with the COVID-19 vaccine mandate that coerced them to take an emergency use authorized product under duress and misrepresentation shall be eligible for Tricare for life. These members shall receive 6 months' pay and allowances based on rank at separation or rank prior to mandate issuance, whichever is higher, and separation duty station. DOD shall reconduct medical examinations and boards upon veteran request to properly characterize the vaccine injury.

DOD shall establish an Executive Agent per DOD Directive 5101.1 to ensure these veterans are remedied per the letter and intent of this NDAA.

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SEC. 525. RESCISSION OF COVID-19 VACCINATION MANDATE AND RETENTION OF FAITHFUL SERVICEMEMBERS.

Not later than 1 day after the date of the enactment of this Act, the Secretary of Defense shall rescind the mandate that members of the Armed Forces be vaccinated against COVID-19 pursuant to the memorandum dated August 24, 2021, regarding "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members." **The Secretary of Defense shall institute a policy that forbids subordinates from imposing any similar or derivative requirement for COVID-19 vaccination, prohibits discrimination based on vaccination status to include prohibiting COVID-19 vaccination status as a factor in deployment, assignment, or personnel decisions, and eliminates coercive and manipulative measures commanders may take to encourage accepting a medical procedure.**

The Secretary of Defense shall provide a list of all unvaccinated members currently serving in the military to Congress. DOD shall notify these listed members of the provisions of this NDAA. Members on this list will be subject to the following:

Congress will promote these individuals to the next higher rank within one calendar year of this NDAA becoming law. In lieu of promotion, E-9's shall receive a \$50,000 bonus.

The Secretary of Defense shall approve all time in grade waivers for unvaccinated service members who elect to retire prior to fulfilling requisite time in grade to retain their earned rank.

The Secretary of Defense shall ensure all unvaccinated members currently selected in the military are automatically selected for their next development education opportunity along a nominal career progression timeline. Service members who lost school or command opportunities shall be reinstated if they had been selected and reconsidered at the next availability if removed from consideration based on vaccination status.

All disciplinary measures and resulting negative paperwork taken against unvaccinated members from minor verbal counseling and letters of reprimand to general court martial shall be rescinded and expunged, providing unvaccinated members a "clean slate" with which to continue public service.

The Secretary of Defense shall direct all ongoing disciplinary and discriminatory measures levied upon those who have not received a COVID-19 shot to cease and desist. DOD shall treat prohibition of duty, travel, job opportunities, training, and school based on vaccination status as pretext for unlawful discrimination.

The Secretary of Defense shall implement a policy that forbids discrimination or differential treatment based on vaccination status except for the remedies contained within this NDAA. DOD shall require employees to be treated equally under the law according to their inherent human dignity regardless of vaccination status or exercised option to refuse a medical procedure.

The Secretary of Defense shall issue a public apology to all members who did not receive the COVID-19 shot and against who it implemented abusive policies like asymptomatic testing, travel restrictions, cancelation of orders, denial of promotion, removal from command or duty, and quarantining to coerce vaccine compliance. The apology shall acknowledge the detrimental impact to readiness from medical apartheid that segregated, diminished, and discriminated against those who fulfilled the constitutional

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duty to preserve rights of citizens. The apology shall acknowledge DOD's deviation from equal opportunity policies, ethics like informed consent, and Core Values.

The Secretary of Defense shall issue individualized apologies "to the person" who was denied request for religious accommodation from the COVID vaccination mandate or associated Force Health Protection Guidance measures such as testing, masking, travel, isolation, or discrimination. This may be delegated to the General Court Martial Convening Authority.

The Secretary of Defense shall direct reconsideration of all requests for religious accommodation according to the Religious Freedom Restoration Act in a manner that comports with law and the clear intent of Congress.

The Secretary of Defense, under and all assistant secretaries and military service department secretaries, under, and assistant secretaries shall disclose financial investments made since the outbreak of the pandemic (March 2020) through the authorization of this bill. Disclosure will be filed to the armed services committees within 30 days. Any official found to have financially benefitted from the vaccine order or other pandemic mitigation efforts shall be asked to tender their resignation to the President or risk impeachment.

The Secretary of Defense shall issue a policy requiring reconsideration of all Equal Opportunity Complaints, Article 138s, NAVREGS 1150 Complaints, Inspector General Complaints, and Congressional inquiry responses submitted from August 24, 2021 until passage of this NDAA. DOD shall provide a report to Congress on why DOD failed to self-correct amidst the deluge of professional requests for redress it received. The report shall explain why lawful and dutiful complaints were ignored, dismissed, and the occasion of targeted retaliation. The report will include the following information:

- How many Equal Opportunity complaints from Service Members has DOD received by month over the past 4 years? Of these, how many are because of or in relation to DOD's COVID-19 policies? What was the disposition of these complaints?
- How many Inspector General Complaints from Service Members has DOD received by month over the past 4 years? Of these, how many are because of or in relation to DOD's COVID-19 policies? What was the disposition of these complaints?
- How many informal Article 138 complaints from Service Members has DOD received by month over the past 4 years? Of these, how many are because of or in relation to DOD's COVID-19 policies? What was the disposition of these complaints?
- How many Formal Article 138 and NAVREGS 1150 complaints from Service Members has DOD received by month over the past 4 years? Of these, how many are because of or in relation to DOD's COVID-19 policies? What was the disposition of these complaints?
- What trends have emerged from unit climate surveys over the past 4 years?
- How many service member suicides have occurred by month over the past 4 years? How many were seeking accommodation?

The Secretary of Defense shall not nominate for promotion any officer who denied religious accommodation for the COVID-19 Vaccination requirement, dismissed requests on the matter, or punished service members who refused to accept an emergency use authorized medical product including shots, tests, and masks.

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The Secretary of Defense shall provide a leadership continuity plan to ensure that those charged with preserving constitutionally protected blessings of liberty do so.

COVID-19 policies refers to the memorandum dated August 24, 2021, regarding "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members," all Force Health Protection Guidance, and all subsequent and derived policies relating to COVID-19.

Sec. XXX. AFFIRMING SERVICE MEMBER RIGHTS OF INFORMED CONSENT AND DEPARTMENT OF DEFENSE DUTY TO FULFILL MEDICAL ETHICS

The Secretary of Defense shall ensure all service members are trained on the principles and applications of informed consent as outlined and required in Belmont Report via Department of Defense Force Health Protection Programs regulations. Specifically, service members should know that every person must "be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him or her to make an understanding and enlightened [medical] decision."

The Secretary of Defense shall ensure that the medical ethic of informed consent, as detailed in The Belmont Report codified in Title 10 section 1107, is systemically integrated in all health policy. Service members retain their right to refuse any medical treatment free from coercion. Informed consent requires all health directives to include explicit duty for health providers to notify service members of medical benefits, medical costs, and medical risks associated with all medical treatments. Informed consent requires proactive disclosure of common moral and ethical concerns to patients associated with required medical treatments such as use of abortive cells in development or testing or if a treatment is considered gene therapy or may alter a patient's genetics. Informed consents requires providers to notify service members of their right to refuse any medical treatment and to promptly respect that right through the granting of exemptions and mitigation of any form of coercion surrounding that decision. Informed consent also requires commanders to foster an environment free from coercion and influence so that medical decisions are solely based on the health of the patient.

The Secretary of Defense shall require all medical officers and all non-medical Field Grade Officers to sign a document acknowledging their training and understanding of informed consent and Constitutional law as part of promotion requirements.

The Secretary of Defense shall list all licensed and available products on a website that can be mandated and only list licensed products. DOD shall not mix or misrepresent approved products with non-approved. DOD shall separate guidance concerning EUA and approved treatments to ensure legal clarity.

The Secretary of Defense shall ensure medical providers grant medical exemptions based on withdrawal of a service member's consent alone. While the Department of Defense maintains the authority to mandate medical treatments, service members retain their superior rights to refuse those treatments without threat of coercion.

The Secretary of Defense shall eliminate discrimination and coercion based on imputed disability of those who do not consent to medical procedures.

The Department of Defense does not have the authority to grant medical interchangeability for biologics.

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SEC. XXX. RECURRING REPORT ON IMPACTS OF COVID-19 MANDATE.

DOD shall provide a robust analysis of the impact the DOD vaccine mandate had on the overall health of the force to include correlative and causal explanation for month over month and year over year changes in pathologies since January 1, 2016 until the day this NDAA becomes law. The analysis will utilize Defense Medical Epidemiological Database, Vaccine Adverse Event Reporting System, and other relevant and authoritative sources. The Analysis will examine changes in all-cause mortality, effects on reproduction, and examine emergence of all known possible side effects of COVID-19 gene therapies. The analysis will examine psychological impacts of the vaccine mandate and correlative or causal connection to suicide rates amongst service members and veterans.

DOD shall cease reporting vaccine compliance rates.

Respectfully Submitted this 8th Day of December, 2022;

From Members of the United States Armed Forces