

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO SUBTITLE I
OFFERED BY M . _____**

Add at the end the following new section:

1 **SEC. 30904. PROHIBITION ON IMPLEMENTATION OF VAC-**
2 **CINATION MANDATE.**

3 Notwithstanding any provision of title XVIII of the
4 Social Security Act (42 U.S.C. 1395 et seq.), the Sec-
5 retary of Health and Human Services may not—

6 (1) impose a condition of participation on a
7 provider of services or supplier under such title (as
8 such terms are defined in section 1861 of such Act
9 (42 U.S.C. 1395x)) that such provider or supplier
10 ensure that employees of such provider or supplier
11 are vaccinated against COVID–19; or

12 (2) penalize, through a reduction in payments
13 or otherwise, such a provider or supplier who fails
14 to so ensure that employees of such provider or sup-
15 plier are so vaccinated.

