

Calendar No. 174

117TH CONGRESS
1ST SESSION

S. 3299

To prohibit the Department of Defense from discharging or withholding pay or benefits from members of the National Guard based on COVID-19 vaccination status.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2021

Mr. LANKFORD introduced the following bill; which was read the first time

DECEMBER 2, 2021

Read the second time and placed on the calendar

A BILL

To prohibit the Department of Defense from discharging or withholding pay or benefits from members of the National Guard based on COVID-19 vaccination status.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROHIBITION ON DISCHARGING OR WITH-**
2 **HOLDING PAY OR BENEFITS FROM NATIONAL**
3 **GUARD MEMBERS BASED ON COVID-19 VAC-**
4 **CINATION STATUS.**

5 (a) IN GENERAL.—The Secretary of Defense shall
6 not, based on whether or not a member of the National
7 Guard has received a COVID-19 vaccine, take any of the
8 following actions:

9 (1) Involuntarily discharge or discipline the
10 member under chapter 47 of title 10, United States
11 Code (the Uniform Code of Military Justice).

12 (2) Withhold pay or benefits from the member.

13 (3) Prohibit the member from participating in
14 training or using equipment funded by amounts ap-
15 propriated by an Act of Congress.

16 (b) PAY AND BENEFITS INCLUDED.—The pay and
17 benefits referred to in subsection (a)(2) include the fol-
18 lowing:

19 (1) Basic pay and special pay under title 37,
20 United States Code, or title 10, United States Code.

21 (2) Medical and dental care under chapter 55
22 of title 10, United States Code.

23 (3) Transitional health benefits under section
24 1145 of such title.

25 (4) Commissary and exchange benefits under
26 section 1146 of such title.

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