

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: 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—117th Cong., 1st Sess.**

**H. R. 4350**

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by  
\_\_\_\_\_ to the amendment (No. 3867)  
proposed by Mr. REED

Viz:

1 At the end of subtitle G title V, add the following:

2 **SEC. 596. PROHIBITION ON DISCHARGING OR WITH-**

3 **HOLDING PAY OR BENEFITS FROM NATIONAL**

4 **GUARD MEMBERS BASED ON COVID–19 VAC-**

5 **CINATION STATUS.**

6 (a) IN GENERAL.—The Secretary of Defense shall

7 not, based on whether or not a member of the National

1 Guard has received a COVID–19 vaccine, take any of the  
2 following actions:

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

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

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

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

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

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

17 (3) Transitional health benefits under section  
18 1145 of such title.

19 (4) Commissary and exchange benefits under  
20 section 1146 of such title.