

117TH CONGRESS
1ST SESSION

S. 2780

To amend title 10, United States Code, to prohibit certain adverse personnel actions taken against members of the Armed Forces based on declining the COVID–19 vaccine.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2021

Mr. MARSHALL (for himself, Mr. TUBERVILLE, Mr. LANKFORD, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to prohibit certain adverse personnel actions taken against members of the Armed Forces based on declining the COVID–19 vaccine.

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. SHORT TITLE.**

4 This Act may be cited as the “COVID–19 Vaccine
5 Dishonorable Discharge Prevention Act”.

1 **SEC. 2. PROHIBITION ON ADVERSE PERSONNEL ACTIONS**
2 **TAKEN AGAINST MEMBERS OF THE ARMED**
3 **FORCES BASED ON DECLINING COVID-19**
4 **VACCINE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The Secretary of Defense has announced a
7 COVID-19 vaccine mandate will take effect for the
8 Department of Defense.

9 (2) Reports of adverse actions being taken, or
10 threatened, by military leadership at all levels are
11 antithetical to our fundamental American values.

12 (3) Any discharge other than honorable denotes
13 a dereliction of duty or a failure to serve the United
14 States and its people to the best of the ability of an
15 individual.

16 (b) PROHIBITION.—Chapter 55 of title 10, United
17 States Code, is amended by inserting after section 1107a
18 the following new section:

19 **“§ 1107b. Prohibition on certain adverse personnel**
20 **actions related to COVID-19 vaccine re-**
21 **quirement**

22 “Notwithstanding any other provision of law, a mem-
23 ber of the armed forces subject to discharge on the basis
24 of the member choosing not to receive the COVID-19 vac-
25 cine may only receive an honorable discharge.”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by inserting
3 after the item relating to section 1107a the following new
4 item:

“1107b. Prohibition on certain adverse personnel actions related to COVID–19
vaccine requirement.”.

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