

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 642

Introduced by Brewer, 43.

Read first time January 18, 2023

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska National Guard; to state
- 2 findings; to provide duties for the Adjutant General relating to
- 3 members of the Guard impacted by the COVID-19 vaccine mandate; and
- 4 to require a report to the Legislature.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Legislature finds that on January 10, 2023, the
2 United States Secretary of Defense rescinded United States Department of
3 Defense memorandum issued on August 24, 2021, mandating that members of
4 the Armed Forces under United States Department of Defense authority be
5 vaccinated against COVID-19, and rescinded the memorandum issued on
6 November 30, 2021, pertaining to the vaccination of National Guard and
7 Reserve personnel. Such rescission requirement was established by the
8 federal James M. Inhofe National Defense Authorization Act for Fiscal
9 Year 2023. The Legislature further finds that the health and readiness of
10 the Nebraska National Guard is crucial to the Military Department's
11 ability to carry out its functions to protect our state and defend our
12 nation.

13 (2) The Adjutant General shall:

14 (a) Provide that each individual member of the Nebraska National
15 Guard who was discharged because of refusing to receive the COVID-19
16 vaccine pursuant to the United States Department of Defense vaccine
17 mandate is invited to reenlist;

18 (b) For any member who chooses to remain discharged and not rejoin
19 the Nebraska National Guard whose service record indicates that such
20 member was discharged or otherwise separated with a characterization of
21 general discharge under honorable conditions, ensure that such member's
22 service record is changed to indicate an honorable discharge;

23 (c) Restore any member not discharged to duty, without unfavorable
24 personnel action, if such member was not discharged because of such
25 member's refusal to take the COVID-19 vaccine but was placed in a non-
26 active-duty status and unable to participate in active duty for training
27 or weekend drill while such member waited for the final determination of
28 continued membership in the Nebraska National Guard based on the member's
29 COVID-19 vaccination status; and

30 (d) Give preference, without sanction based on COVID-19 vaccination
31 status, to any member who before the United States Department of Defense

1 COVID-19 vaccine mandate took effect was awaiting (i) a promotion, (ii)
2 an award or commendation, (iii) reassignment to a position of greater
3 responsibility, (iv) issuance of orders to attend a necessary career
4 progression military school, or (v) any other favorable personnel action
5 that was pending but disrupted or delayed by the member's COVID-19
6 vaccination status.

7 (3) No later than May 1, 2025, the Adjutant General shall submit a
8 report to the Legislature detailing the progress the Military Department
9 has made in implementing this section. Such report may include providing
10 public testimony at the request of the Government, Military and Veterans
11 Affairs Committee of the Legislature.