

ADAM SMITH, WASHINGTON, CHAIRMAN  
JAMES R. LANGEVIN, RHODE ISLAND  
RICK LARSEN, WASHINGTON  
JIM COOPER, TENNESSEE  
JOE COURTNEY, CONNECTICUT  
JOHN GARAMENDI, CALIFORNIA  
JACKIE SPEER, CALIFORNIA  
DONALD NORCROSS, NEW JERSEY  
RUBEN GALLEGO, ARIZONA  
SETH MOULTON, MASSACHUSETTS  
SALUD O. CARBAJAL, CALIFORNIA  
ANTHONY G. BROWN, MARYLAND  
RO KHANNA, CALIFORNIA  
WILLIAM R. KEATING, MASSACHUSETTS  
FILEMON VELA, TEXAS  
ANDY KIM, NEW JERSEY  
CHRISSEY HOULAHAN, PENNSYLVANIA  
JASON CROW, COLORADO  
ELISSA SLOTKIN, MICHIGAN  
MIKIE SHERRILL, NEW JERSEY  
VERONICA ESCOBAR, TEXAS  
JARED F. GOLDEN, MAINE  
ELAINE G. LURIA, VIRGINIA, VICE CHAIR  
JOSEPH D. MORELLE, NEW YORK  
SARA JACOBS, CALIFORNIA  
KAIALI KAHELE, HAWAII  
MARILYN STRICKLAND, WASHINGTON  
MARC A. VEASEY, TEXAS  
JIMMY PANETTA, CALIFORNIA  
STEPHANIE N. MURPHY, FLORIDA  
STEVEN HORSFORD, NEVADA

## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED SEVENTEENTH CONGRESS

MIKE ROGERS, ALABAMA,  
RANKING MEMBER  
JOE WILSON, SOUTH CAROLINA  
MICHAEL R. TURNER, OHIO  
DOUG LAMBORN, COLORADO  
ROBERT J. WITTMAN, VIRGINIA  
VICKY HARTZLER, MISSOURI  
AUSTIN SCOTT, GEORGIA  
MO BROOKS, ALABAMA  
SAM GRAVES, MISSOURI  
ELISE M. STEFANIK, NEW YORK  
SCOTT DESJARLAIS, TENNESSEE  
TRENT KELLY, MISSISSIPPI  
MIKE GALLAGHER, WISCONSIN  
MATT GAETZ, FLORIDA  
DON BACON, NEBRASKA  
JIM BANKS, INDIANA  
LIZ CHENEY, WYOMING  
JACK BERGMAN, MICHIGAN  
MICHAEL WALTZ, FLORIDA  
MIKE JOHNSON, LOUISIANA  
MARK GREEN, TENNESSEE  
STEPHANIE I. BICE, OKLAHOMA  
C. SCOTT FRANKLIN, FLORIDA  
LISA C. MCCLAIN, MICHIGAN  
RONNY JACKSON, TEXAS  
JERRY L. CARL, ALABAMA  
BLAKE D. MOORE, UTAH  
PAT FALLON, TEXAS

PAUL ARCANGELI, STAFF DIRECTOR

September 28, 2022

The Honorable Lloyd J. Austin III  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1100

Dear Secretary Austin:

We write to seek clarity on your position regarding the vaccine mandate per your memorandum of 24 Aug 2021, *Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members* and request you provide us a briefing on the matter as soon as possible.

On September 19, 2022, President Biden told Scott Pelley of CBS news that “the pandemic is over.” Pandemic restrictions have been lifted across the country and state and federal courts have enjoined enforcement of employment-based vaccine mandates. It is our understanding that members of the Armed Forces are now one of only a few groups in the Executive Branch still subject to termination for failure to take the vaccine.

We note there are roughly 48 pending court cases against President Biden, yourself, or other senior Department of Defense leaders. Virtually all of these are challenging the vaccine mandate imposed through your memoranda against servicemembers or contractors. A number of these have caused uncertainty regarding the long-term status of affected servicemembers.

Additionally, the Department of Defense Inspector General’s (DoD IG’s) memorandum of June 2, 2022, *Denials of Religious Accommodation Requests Regarding Coronavirus Disease-2019 Vaccination Exemptions*, has raised concerns regarding the legitimacy of the process being used to consider religious accommodations for service-members:

“We found a trend of generalized assessments rather than the individualized assessment that is required by Federal law and DoD and Military Service policies.”...Volume and rate at which decisions were made to deny requests is concerning. The appeal authorities of the Services we reviewed indicated that an average of 50 denials per day were processed over a 90-day period. Assuming a JO-hour work day with no breaks or attention to other matters, the average review period was about 12 minutes for each package. Such a review period seems insufficient to process each request in an individualized manner and still perform the duties required of their position.”

Based on President Biden’s declaration that the “pandemic is over,” the ongoing litigation and court injunctions against the vaccine mandate, as well as the concerns raised by the DoD IG’s assessment regarding the legitimacy of the process for religious accommodations for the COVID-19 vaccination, we request a briefing on the Department of Defense’s COVID-19 vaccine mandate. The following should be included in the briefing:

- 1) The timeline to end the COVID-19 vaccine mandate, or an understanding of why you plan to keep the order in place;
- 2) A determination on how the President’s announcement affects your determination to continue to enforce the mandate;
- 3) A review of the COVID-19 impacts on operational readiness for the Combatant Commands;
- 4) A summary review of ongoing litigation against DoD for the COVID-19 vaccine mandate;
- 5) An assessment of how the COVID-19 mandate is impacting recruitment and retention in the Armed Forces;
- 6) What consideration is being made to offer reinstatement to those servicemembers who were separated because of a refusal to take a COVID vaccine; and
- 7) Actions taken to address the points raised over the legitimacy of DoD’s COVID-19 religious accommodation process.

We would appreciate a timely response to our request considering we are finalizing the Fiscal Year 2023 National Defense Authorization Act.

Sincerely,



Rep. Mike D. Rogers  
Ranking Member



Rep. Joe Wilson




Rep. Michael R. Turner



Rep. Doug Lamborn



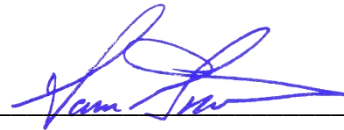
Rep. Robert J. Wittman



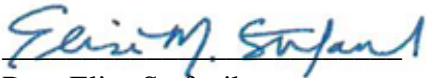
Rep. Vicky Hartzler



Rep. Austin Scott



Rep. Sam Graves



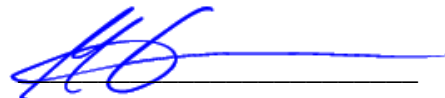
Rep. Elise Stefanik



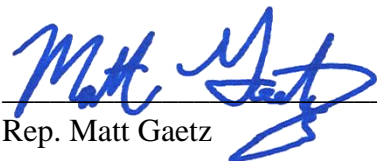
Rep. Scott DesJarlais



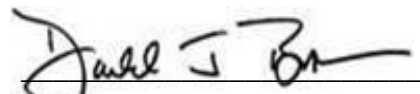
Rep. Trent Kelly



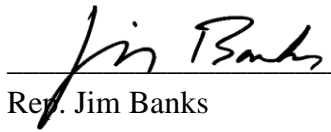
Rep. Mike Gallagher




Rep. Matt Gaetz




Rep. Don Bacon

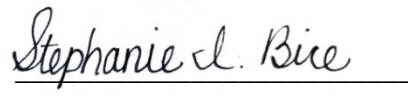
  
Rep. Jim Banks

  
Rep. Jack Bergman


  
Rep. Michael Waltz

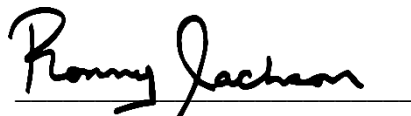
  
Rep. Mike Johnson

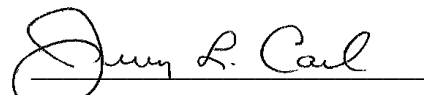
  
Rep. Mark E. Green, MD

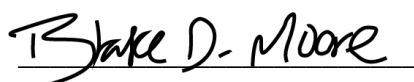
  
Rep. Stephanie I. Bice

  
Rep. Scott Franklin

  
Rep. Lisa C. McClain

  
Rep. Ronny L. Jackson

  
Rep. Jerry L. Carl

  
Rep. Blake D. Moore

  
Rep. Pat Fallon