

Congress of the United States

Washington, DC 20510

February 16, 2022

The Honorable Lloyd J. Austin
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Secretary Austin,

We are writing to request an update on the implementation of Section 720 of S. 1605, the National Defense Authorization Act for Fiscal Year 2022 (Public Law No: 117-81). As you know, Section 720 requires the Department of Defense to establish uniform procedures under which service members may be exempted from the Department's vaccine mandate, including a review of natural immunity.

We are gravely concerned that the military services are proceeding with involuntary discharges when it is unclear to us whether uniform procedures have been issued by the Department of Defense. If the Department of Defense has not issued uniform procedures or reviewed the inclusion of natural immunity and the military services are moving forward with involuntary discharges, then we believe the Department is ignoring and violating Section 720. Congress included this language to protect our service members, and we expect the Department of Defense to abide by the law.

Not only does Section 720 require the Department to establish uniform procedures, but the explanatory statement makes clear that Congress expects the Department of Defense to fully consider natural immunity. Specifically, the explanatory statement states, *"In establishing uniform standards for medical exemptions, we expect the Department of Defense to review the scientific literature to determine, to the extent possible, whether a previous COVID-19 infection may induce sustained antibody protection (natural immunity) against SARS-COV-2, thereby potentially eliminating a requirement for a vaccine. We also expect the Department to include eligibility timelines for consideration of exemptions for servicemembers nearing separation and retirement in the development of uniform procedures relating to administrative exemptions."*

Despite this language, the Navy, the Marine Corps, and the Air Force have all discharged service members over the vaccine, and on February 2, 2022, the Army announced it will immediately begin separating Soldiers. We believe that no one should be involuntarily discharged until the uniform procedures have been established by the Department of Defense, including an in-depth review of the scientific literature regarding natural immunity.

Given these concerns, we respectfully request answers to the following questions:

1. Has the Department of Defense issued uniform procedures for medical, religious, and administrative exemptions for the COVID-19 vaccine? If not, why are the military services discharging service members prior to the establishment of uniform procedures?
2. Is the Department of Defense reviewing scientific literature to determine whether a previous COVID-19 infection may induce sustained antibody protection against SARS-COV-2? If not, why are service members being discharged prior to the completion of the review?
3. Are service members tested for antibodies before being discharged due to the vaccine mandate? If not, why?
4. Is the Department of Defense considering eliminating a vaccine requirement for service members with antibody protection, as intended by Congress? If not, why?
5. How many service members have been discharged over the vaccine mandate since the FY22 NDAA was signed into law on December 27, 2021?

We firmly believe the Department of Defense should suspend involuntary discharges until an in-depth review of natural immunity is complete and the Department has issued uniform procedures for vaccine exemptions. At a time when the world faces imminent threats from both Russia and China, we cannot afford to lose talented and qualified individuals. A large exodus of service members will have negative consequences on our military's readiness, especially at a time when deterrence and strength is necessary to protect U.S. interests.

We look forward to your response on this important issue.

Sincerely,



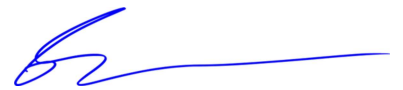
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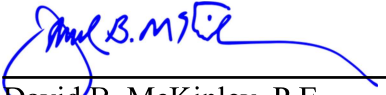
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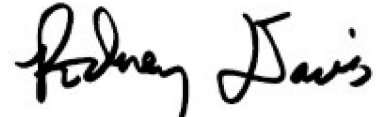
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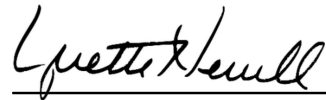
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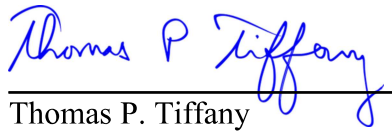
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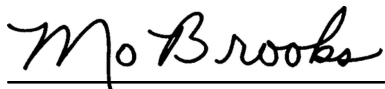
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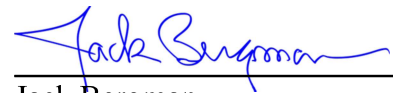
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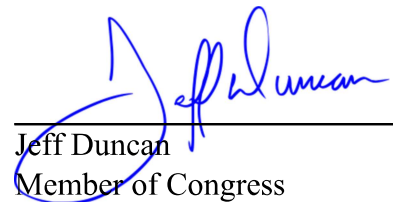
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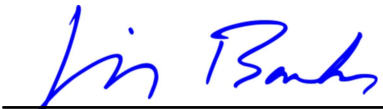
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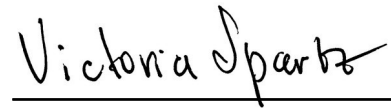
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