

Congress of the United States
House of Representatives
Washington, DC 20515

February 8, 2023

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

Dear Secretary Austin:

We write to express our concern over the lack of clarity provided to the Armed Forces and to the American people related to your memorandum announcing the Department of Defense's (DoD) rescission of the COVID-19 vaccine mandate.¹ While we acknowledge and appreciate your rescission memorandum writ large, many questions remain and have gone unanswered regarding the implementation of the rescission.

A letter of December 23, 2022, requested "your plan to implement this statutory requirement."² Your four-sentence reply to the letter on January 26, 2023, failed to include any implementation plan.³ Additionally, staff has repeatedly asked for answers to many COVID-19 rescission questions critically important to the retention and recruitment of men and women in each of the armed services.⁴

Members or staff of the House Armed Services Committee have queried the Department on at least the following:

- 1) The COVID-19 rescission implementation plan, including implementing guidance and responsibilities within the Department of Defense and the Military Departments;
- 2) The COVID-19 rescission strategic communication plan to the Armed Forces;

¹ Secretary Lloyd J. Austin III, *Rescission of August 24, 2021 and November 30, 2021 Coronavirus Disease 2019 Vaccination Requirements for Members of the Armed Forces*, Office of the Secretary of Defense, Jan. 10, 2023, available at <https://media.defense.gov/2023/Jan/10/2003143118/-1/-1/1/SECRETARY-OF-DEFENSE-MEMO-ON-RESCISSION-OF-CORONAVIRUS-DISEASE-2019-VACCINATION-REQUIREMENTS-FOR-MEMBERS-OF-THE-ARMED-FORCES.PDF>.

² Letter from Ranking Member Rogers to Secretary Austin, Dec. 23, 2022.

³ Reply from Rheanne E. Wirkkala, Asst. Sec. of Defense for Legislative Affairs, to Chairman Rogers, (undated) rec'd Jan. 26, 2023.

⁴ Rebecca Kheel, *Vaccine Mandate Is Hurting Recruiting, Top Marine General Says*, MILITARY.COM, Dec. 4, 2022.

- 3) The number of discharges that occurred between the signing of the NDAA and the time of your rescission directive;
- 4) The treatment of potential recruits and accessions who have not taken the COVID-19 vaccine;
- 5) The effect of the COVID-19 rescission on civilian personnel, including any changes to the current travel policy;
- 6) The number of discharges for the roughly 6000 Active Component servicemembers and 2000 Reserve Component servicemembers separated because of the mandate, broken down by rank, years of service, and date separated (as well as their discharge characterization);
- 7) The number of servicemembers required to pay back bonuses, the average amount to be repaid, and the amount already repaid;
- 8) Whether DoD policy still requires repayments of bonuses;
- 9) The number of National Guard members prevented from drilling because of the mandate, including the number of drills missed and amount of time they were prevented from drilling;
- 10) Reasons why DoD stopped reviewing accommodation of requests from servicemembers who sought vaccination exemptions;
- 11) Whether service academies have fully removed vaccine mandates for students and faculty;
- 12) Whether any students at the service academies were refused diplomas due to failing to abide by the prior vaccine mandate, and if so, whether the academies will be making these students whole by providing diplomas and clear student records upon or following graduation;
- 13) Whether DoD has reinstated any servicemembers forced out for failure to abide by the vaccine mandate, and DoD's plan for ensuring that reinstatement is offered to any separated servicemembers; and,
- 14) As the rescission memorandum states, "no individuals currently serving in the Armed Forces shall be separated solely on the basis of their refusal to receive the COVID-19 vaccination if they sought an accommodation on religious, administrative, or medical grounds."

- a. Does this directive of your rescission memorandum mean that unless servicemembers submit an accommodation request, they are still required to receive the COVID vaccination?
- b. Are potential military recruits required to submit an accommodation request to avoid being forced to receive the COVID vaccine?

Please provide to the Committee responses to these questions no later than February 22, 2023. Answers to these questions are crucial for Congress to fulfill its appropriate oversight responsibilities and provide any required legislative relief. Please note, many of the questions or requests for information presented above have gone unanswered for weeks, if not months. The Department and the Biden Administration must no longer refuse to respond to requests for information from this Committee.

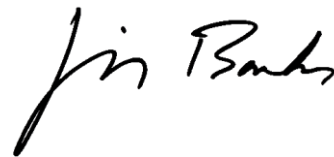
Thank you for your immediate consideration of these important matters. The Committee on Armed Services, under Rule X, clause 1 of the Rules of the House of Representatives (“House Rules”), maintains oversight jurisdiction over the Department of Defense generally. Moreover, under House Rules, the Committee derives its authority to conduct oversight from, among other things, clause 2(b)(1) of Rule X (relating to general oversight responsibilities), clause 3(b) of Rule X (relating to special oversight functions), and clause 1(b) of rule XI (relating to investigations and studies).

To arrange delivery of documents or ask any related follow-up questions, please contact the Committee on Armed Services Majority Staff.

Sincerely,



Mike Rogers
Chairman
Committee on Armed Services



Jim Banks
Chairman
Subcommittee on Military Personnel

cc: The Honorable Adam Smith, Ranking Member
Committee on Armed Services