

United States Senate

WASHINGTON, DC 20510

December 15, 2021

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

Dear Secretary Austin:

On October 12, 2021, I sent you a letter requesting information about your August 24, 2021 memorandum, which instituted a COVID-19 vaccine mandate for all service members.¹ Your memorandum stated that “[m]andatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the Food and Drug Administration (FDA), in accordance with FDA-approved labeling and guidance.”² In light of FDA’s statement that “there is not sufficient approved [supply]” of Comirnaty, the only fully-licensed vaccine, I asked you to explain how the Department of Defense (DoD) will comply with the vaccine mandate.³ To date, you have failed to provide that explanation and respond to my letter.

Despite this lack of clarity, DoD has reportedly begun discharging service members “for not obeying orders to get vaccinated.”⁴ Reports indicate that on December 13, 2021, the Air Force discharged 27 service members for noncompliance with the DoD’s COVID-19 vaccine mandate.⁵ An Air Force spokeswoman stated that these 27 individuals were “the first active-duty Air Force Members to be discharged over the Pentagon’s vaccination requirements for military members.”⁶ The discharge classification of these 27 veterans is uncertain, as is their eligibility for veteran benefits.⁷

¹ Letter to Lloyd Austin, Secretary of Defense et al., from Ron Johnson, U.S. Senator, Oct. 12, 2021, <https://www.ronjohnson.senate.gov/services/files/1BC1491B-CFAB-4784-9DBB-8DCAC9E30BD9>.

² Memorandum from Secretary of Defense Lloyd Austin to Senior Pentagon Leadership, et al. (Aug. 24, 2021) (available at <https://media.defense.gov/2021/Aug/25/2002838826/-1/-1/0/MEMORANDUM-FOR-MANDATORYCORONAVIRUS-DISEASE-2019-VACCINATION-OF-DEPARTMENT-OF-DEFENSE-SERVICEMEMBERS.PDF>).

³ Letter to Amit Patel, BioNTech Manufacturing GmbH, from Denise Hinton, Chief Scientist, U.S. Food and Drug Administration at 6, Sept. 22, 2021, available at <https://www.fda.gov/media/150386/download> (See footnote 12).

⁴ Alex Horton and Timothy Bella, *Air Force discharges 27 service members in first apparent dismissals over vaccine refusal*, *Wash Post*, Dec. 14, 2021, available at <https://www.washingtonpost.com/national-security/2021/12/14/air-force-vaccines-discharges/>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* Allegedly, as many as 40,000 active-duty military personnel have elected not to receive a COVID-19 vaccine. Alex Horton, *Vaccine holdouts in U.S. military approach 40,000 even as omicron variant fuels calls for boosters*,

Despite my and other concerned individuals' attempts to get clarity about your COVID-19 vaccine mandate, you have ignored our requests for information, and instead have allowed DoD to discharge service members for not obeying your ambiguous mandate. I ask that you immediately respond to my October 12, 2021, letter and provide the following information by no later than January 4, 2022:

1. Please provide the number of doses of the fully-licensed Comirnaty vaccine that have been given and are available to active-duty military personnel.
2. Will DoD provide a vaccination waiver acknowledging natural immunity to active-duty military personnel who have been previously infected with COVID-19? If not, why not?
3. Please provide the total number of active-duty military personnel who have not yet received a COVID-19 vaccine and, of those, how many have received a medical or religious exemption.
4. Please provide the total number of active-duty military personnel, broken down by branch, who have been subject to a discharge procedure for noncompliance with the COVID-19 vaccine mandate. Please identify the types of discharge procedures.

Thank you for your attention to this urgent matter.

Sincerely,



Ron Johnson
United States Senator