

United States Senate

October 26, 2021

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
Washington, DC 20318-9999

Dear Secretary Austin,

I write to you today to express serious concern regarding the military's COVID-19 vaccine requirement. Forcing our service members to comply with the mandate is counterproductive and infringes on the liberties our service members fight to protect.

According to the military mandate, the requirement to be fully vaccinated against COVID-19 constitutes a lawful general order. Without an approved medical exemption or religious accommodation, service members who decline to fully vaccinate against COVID-19 within the timelines prescribed by Secretaries of Military Departments will be found to have disobeyed a lawful general order. This order is punishable under Article 92 of the Uniform Code of Military Justice. As a result, service members found in violation may face punitive or administrative action, including the initiation of discharge proceedings.

I am particularly troubled by the Navy's recent order that states those separated for vaccine refusal could lose some veterans' benefits or be stripped of their SEAL designations. Our dedicated service members have the right to make informed decisions that put their health and their families first. These heroes are willing to make the ultimate sacrifice to defend American liberties, but they are now losing their own freedom and possibly their livelihoods at the hands of this administration.

Further, I am concerned that this vaccine mandate will compromise our military's readiness and our national security. Hundreds of thousands of service members are likely to exit the armed forces because of President Biden's vaccine mandate. A 2002 study from the Government Accountability Office found that the Anthrax Vaccine Immunization Program caused the U.S. to lose trained and experienced pilots and aircrew members in the Air National Guard and Air Force Reserve. America's adversaries are looking for weakness in U.S. resolve and readiness today. We cannot afford to lose brave, effective service members to a misguided White House policy. If the administration moves forward with this mandate, it should not rob separated service members of their hard-earned benefits.

Accordingly, I ask that you respond to the following:

1. What discharge characterization will service members who separate from the armed forces because of the vaccine mandate receive? How does this characterization vary across the branches of the military? What is the rationale for issuing dishonorable discharges to service members as a result of their medical decisions?
2. Please describe all of the benefits separated service members stand to lose if they are discharged because of the vaccine mandate—this includes health benefits, retirement benefits, the ability to transfer to another service, access to the G.I. Bill, and other relevant benefits to which they may be entitled.
3. To what extent is the Temporary Early Retirement Authority available to service members who have more than 15 but less than 20 years of active-duty service? Does a service member's refusal to comply with the vaccine mandate affect his or her eligibility for early retirement?

I support the vaccine, but I also support the freedom Americans have to make their own medical decisions concerning this vaccine. Coercing service members to take this vaccine by threatening their honor, livelihoods, and benefits runs contrary to our shared American values and undermines our national security interests.

I look forward to receiving your written responses on these important matters no later than November 12, 2021.

Sincerely,



John Kennedy
U.S. Senator