

Republicans Demand Answers From Pentagon on COVID-19 Vaccine Mandate After Biden Declares Pandemic Over



Republicans on the House Armed Services Committee (HASC) are demanding answers from Pentagon on its COVID-19 vaccine mandate after President Biden declared on Sept. 19 that the “pandemic is over.”

The [letter](#) to Secretary of Defense Lloyd Austin III follows concerns regarding the legitimacy of the process used to consider religious accommodations and reports unvaccinated servicemembers are still being [subjected to punishments](#) for refusing to get vaccinated.

Rep. Mike Gallagher (R-WI) and HASC Republicans noted 48 pending court cases against President Biden, Austin or other senior DoD 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," the letter states.

The HASC asked the DOD to answer the following questions:

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.

Austin issued a memo in August 2021 making COVID vaccines mandatory for service members. Thousands of individuals were then denied their right to obtain a religious accommodation and [were punished](#) for refusing to get vaccinated.

A June memo issued by the DoD inspector general found a "trend of generalized assessments rather than the individualized assessment that is required by Federal law and DoD and Military Service policies," and said the "volume and rate at which decisions were made to deny requests is concerning."

The memo stated:

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 10-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."

According to the Army's public statistics, 4,664 active-duty soldiers have [requested a religious exemption](#) to the vaccine, but only 44 were granted. The Army has initiated 1,722 total separations with unvaccinated soldiers.

As of June 2022, the United States Air Force [had approved](#) only 118 out of 13,494 religious exemption requests. As of Aug. 3, 2022, only 19 of 3,733 requests for religious accommodation had been approved by the Marines.

A federal judge in July [temporarily halted the Air Force](#) from expelling or otherwise punishing thousands of troops who [applied for a religious exemption](#) to the COVID-19 vaccine requirement after a class action challenged the mandate.

The decision to certify *Doster v. Kendall* as a class action temporarily protects at least 100 airmen and guardians who are part of ongoing lawsuits contesting the Pentagon's vaccine mandate, and more than 9,000 others affected by the policy, according to [Siri & Glimstad](#), a law firm representing the plaintiffs.

The group now includes anyone in the active duty Air Force and Space Force, Air Force Reserve, Air National Guard, U.S. Air Force Academy and Air Force Reserve Officer Training Corps who has requested a religious exemption to the COVID-19 vaccine requirement since Sept. 1, 2021, showed a sincere religious belief opposing the shot and whose requests were denied or are pending.

Missouri Attorney General Eric Schmitt [announced](#) on Sept. 30 that his office and 20 other states have filed an amicus brief in *Doster v. Kendall*, opposing the COVID-19 vaccine mandate on members of the U.S. Air Force.

Submitted to the U.S. Court of Appeals for the Sixth Circuit, the brief argues that the Air Force violated 18 Airmen's statutory and constitutional rights by refusing to grant them [religious exemptions](#) to its COVID-19 vaccine requirement.