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Congress of the United States
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LAND FORCES
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THE CORONAVIRUS CRISIS

August 6, 2021

The Honorable Lloyd J. Austin III
Secretary of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Dear Secretary Austin:

It is being widely reported that you are planning to mandate COVID-19 vaccines for all active-duty troops in the United States Armed Forces.

The law of the United States is clear: Mandatory vaccination is illegal for military personnel prior to complete approval (*Doe v. Rumsfeld*, 341 F. Supp. 2d 1 (D.D.C. 2004)). This has not occurred and could be another several months away. Furthermore, other statutes address this: In the wake of the Tuskegee study scandal, the National Research Act of 1974 (42 U.S.C., Ch. 6A) enacted specific stipulations of consent to conduct research.

As long as the vaccine is authorized under an Emergency Use Authorization, the Department of Defense does not have the authority to implement such an order. Servicemembers who do not wish to receive the vaccine cannot be required until the approval process is completed. Any action to require it is illegal. The Secretary of Defense is not above the law. The courts concurred.

To be clear, we believe COVID-19 vaccines are not only a testament to American ingenuity, but are also safe and effective. We commend the men and women of the Department of Defense for their tireless efforts in spearheading Operation Warp Speed and developing this vaccine in record time and under immense pressure.

Despite that, it is clear that the mandate that you are considering is an unprecedented violation of federal law. We urge you to reconsider and would welcome the opportunity to discuss this with you. Thank you for your service to our Nation.

Sincerely,

Mark E. Green, MD
Member of Congress

Stephanie Bice
Member of Congress

Jack Bergman
Member of Congress

i <https://casetext.com/case/doe-v-rumsfeld>

ii <https://www.voanews.com/covid-19-pandemic/pentagon-wont-force-us-troops-take-covid-19-vaccine>

iii <https://www.law.cornell.edu/uscode/text/42/chapter-6A>

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