

December 3, 2021

The Honorable Jack Reed
Chairman
U.S. Senate Armed Services Committee
Washington, D.C. 20510

The Honorable James Inhofe
Ranking Member
U.S. Senate Armed Services Committee
Washington, D.C. 20510

The Honorable Adam Smith
Chairman
U.S. House Armed Services Committee
Washington, D.C. 20510

The Honorable Mike Rodgers
Ranking Member
U.S. House Armed Services Committee
Washington, D.C. 20510

Dear Chairman Reed and Ranking Member Inhofe, Chairman Smith and Ranking Member Rodgers:

As you finalize the National Defense Authorization Act for Fiscal Year 2022, I respectfully request that you include Marshall Amendment #4093 in its final passage. The amendment, similar to S.2780 COVID-19 Vaccine Dishonorable Discharge Prevention Act, was offered with 15 cosponsors. It would ensure service members who choose not to receive the COVID-19 vaccine receive an honorable discharge should they be separated from service.

On August 24 2021, Secretary of Defense Lloyd Austin released a memorandum announcing that all service members including Active Duty, Reserves, and the National Guard would be required to receive the COVID-19 vaccine. The Department of Defense then issued guidance stating that service members who refuse the vaccine will face “administrative or non-judicial punishment [under UCMJ] – to include relief of duties or discharge.” While exemptions may be provided on a case-by-case basis, guidance regarding service members’ punishment for refusing the vaccine remains unclear. Additionally, several deadlines for the service branches have passed and thousands of administrative exemptions, medical exemptions, and religious accommodations are still pending.

As a former U.S. Army physician, I believe the vaccine has saved countless lives and vaccinating our service members against COVID-19 is an important effort. However, reports of adverse actions being taken, or threatened, by military leadership at all levels are antithetical to our fundamental American values. The religious and medical rights of our brave men and women should be respected, particularly when they put their lives on the line to protect ours. Service members who choose not to receive the vaccine, and are subsequently separated from the service, should not be treated like felons and given a dishonorable discharge – losing their right to ownership of a firearm, access to the GI bill, VA medical benefits, VA home loans, military funeral honors, and ability to re-enlist. Any discharge other than honorable denotes a dereliction of duty or a failure to serve the United States and its people to the best of the ability of an individual.

Congress must protect our service members and act to prevent a crisis in the United States military. Thank you for your consideration of this important legislation.

Sincerely,



Roger Marshall, M.D.
United States Senator