

September 22, 2022

Sean O'Donnell
Acting Inspector General
Office of Inspector General
U.S. Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

Dear Mr. O'Donnell,

I write to request information regarding the Office of the Inspector General's investigation into how the U.S. military handled servicemembers' requests for religious exemptions to the COVID-19 vaccine mandate. Public reporting this week is cause for serious concern that the Biden Administration has not reviewed such requests in a fair and lawful manner.

A public report states that you sent a memo to Secretary of Defense Lloyd Austin on June 2, 2022, raising concerns about the military services' processes for adjudicating religious exemption requests.¹ According to the report, you wrote, "We found a trend of generalized assessments rather than the individualized assessment that is required by Federal law and DoD and Military Service policies.... Some of the appellate decisions included documentation that demonstrated a greater consideration of facts and circumstances involved in a request." You reportedly went on to inform the Secretary:

"The volume and rate at which decisions were made to deny requests is concerning.... Assuming a 10-hour workday 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."

These findings are alarming. If true, not only do they suggest that the military services failed to satisfy all legal and regulatory obligations when reviewing servicemembers' requests for religious exemptions to the COVID-19 vaccine mandate. They also raise very serious concerns about the Office of the Secretary of Defense's apparent failure to promulgate or enforce lawful guidance for reviewing such requests. This is not to mention concerns about Department leaders' apparent attempt to conceal these failures. Indeed, it is not lost on me that you reportedly sent this memo on June 2, yet Congress is only now learning of it.

Servicemembers commit their lives to the defense of our nation. As part of that compact, they are assured they will have the right to petition the Department of Defense for exemptions to certain requirements that violate their sincerely held religious beliefs. The Department's apparent failure to honor that compact is a betrayal of those servicemembers' trust. It also endangers our nation's defense by forcing servicemembers and those considering joining the military to question whether this is really an institution to which they are comfortable dedicating their lives. This implication is particularly concerning now as the U.S. military struggles to meet recruiting goals.

Given the stakes at hand, it falls upon Congress to investigate how the U.S. military handled requests for religious exemptions. To that end, please provide the June 2 memo and all material associated with the investigation described in the June 2 memo to the Senate Armed Services Committee no later than September 30. Please modify such material only as required to safeguard servicemembers' identities or other protected information. Please also provide any response from the Secretary or his staff to the June 2 memo. This material will allow the committee to conduct all appropriate oversight, including hearings.

Thank you for your cooperation on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley
United States Senator

CC:

Honorable Jack Reed
Chairman
Committee on Armed Services
United States Senate
228 Russell Senate Office Building
Washington, DC 20510-6050

Honorable James Inhofe
Ranking Member
Committee on Armed Services
United States Senate
228 Russell Senate Office Building
Washington, DC 20510-6050

ⁱ Steve Beynon and Konstantin Toropin, "Pentagon Likely Rushed Denials of COVID-19 Vaccine Religious Exemption Requests, Watchdog Finds," Military.com, September 19, 2022, <https://www.military.com/daily-news/2022/09/19/pentagon-likely-rushed-denials-of-covid-19-vaccine-religious-exemption-requests-watchdog-finds.html>.