



Written by [Veronika Kyrylenko](#) on August 10, 2021

DoD: COVID-19 Jabs to Become Mandatory as Early as Mid-September

U.S. Defense Secretary Lloyd Austin announced he will seek President Biden's permission to mandate COVID-19 vaccinations for all military members by mid-September or when the jabs get regulatory approval.

In a [memo](#) to all Department of Defense (DoD) employees, Austin wrote:

I will seek the president's approval to make the vaccines mandatory no later than mid-September, or immediately upon licensure by the Food and Drug Administration (FDA), whichever comes first.



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If a vaccine is approved by the FDA, Austin can make it mandatory without the president. According to the memo, the Pfizer-BioNTech jab is expected to receive such approval as soon as early September. If it doesn't happen, Austin is poised to still mandate it. While [legally](#) informed consent of servicemen is required prior to receiving vaccinations issued under an emergency use authorization (EUA), such as all three COVID-19 vaccines used in the United States, the president has power to issue a waiver for informed-consent requirements if he [determines](#) that it is "in the interest of national security" to do so, and ultimately add COVID-19 jabs to the list of mandatory shots required by troops.

In the meantime, the Pentagon will continue to comply with current protocols set by the White House for the unvaccinated employees, and if the infection rate continues to rise, Austin stated, he will not hesitate "to act sooner or recommend a different course to the President if I feel the need to do so."

Austin added the move is necessary to keep the forces "healthy and ready," and urged all DoD military and civilian personnel, and also contractors, not to wait for the mandate, and vaccinate now. "Get the shot. Get healthy. Get ready," the memo ends.

The memo follows the president's [announcement](#) last month that mandated all federal workers either attest to their vaccinated status, with [penalties](#) including criminal prosecution if they lie, or submit to strict "safety" rules such as weekly testing, mandatory mask wearing, social distancing, and general prohibition to travel for work. At the time of announcement, Biden also asked the Pentagon to determine "how and when" the COVID-19 vaccine would be added to the list of the vaccines that armed forces "MUST get."

Pentagon Press Secretary John Kirby detailed in a [press briefing](#) the plan to implement the COVID-19 vaccine mandate.

First of all, he clarified all the troops will not have to be vaccinated by mid-September — but the request to the president to authorize the move will be filed no later than mid-September, unless the



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FDA approval comes first. Noting the urgency of the plan, he said that all the services are going to be tasked to develop and submit vaccination implementation plans within “a couple of weeks,” based on their own deployment schedules, manning constructs, and differences in number of unvaccinated personnel. Until that happens, all unvaccinated members will have to follow certain protocols and restrictions, details of which Kirby said he did not have. Finally, Kirby underlined that the Pentagon is ready to speed things up to counter the uptick in COVID-19 forces. He also added, “You can consider this memo not just a warning order to the services but to the troops themselves.”

President Biden was fast to [assure](#) the public he would approve the COVID-19 vaccine mandate for the military without waiting for the FDA:

I strongly support Secretary Austin’s message to the Force today on the Department of Defense’s plan to add the COVID-19 vaccine to the list of required vaccinations for our service members not later than mid-September.

“We are still on a wartime footing, and every American who is eligible should take immediate steps to get vaccinated right away,” Biden also said in a statement, and added the vaccines are “safe and effective,” and they will “save lives. Period.”

Associated Press [reports](#) that according to the Pentagon data, more than one million troops are fully vaccinated. At the same time, the branches vary widely in their vaccination rates. The Navy reported that more than 74 percent of all active-duty and reserve sailors have been at least partially vaccinated. The Air Force is a bit behind, with more than 65 percent of its active duty and 60 percent of reserve forces having received at least one shot, while the Army only got less than half of servicemen rolling up their sleeves.

Secretary Austin [reported](#) in late July that 70 percent of personnel had received at least one dose, while adding “we are going to continue to push — push hard to ensure that we’re making the vaccine available to the force.”

While several military leaders [reportedly](#) said they did not expect much resistance from troops, who are “accustomed to getting mandatory shots,” many troops are looking for legal advice on their rights to opt out of a mandate.

Former Army lawyer Greg T. Rinckey [said](#) he has been contacted by “hundreds” of soldiers, marines, and sailors wanting to know their rights and whether they could take any legal action if ordered to take an unapproved jab.

The rights of the active-duty personnel are limited, and [refusal](#) to comply with a mandate would be a violation of Article 92 of the Uniform Code of Military Justice, a punishment for which includes a dishonorable or bad-conduct discharge (an officer would be dismissed), two years confinement, and forfeiture of all pay and allowances. Servicemen do have an option to resign or [request](#) to opt out of a mandatory vaccination, since the DoD may authorize a temporary or permanent medical or administrative exemption to a required vaccine. Religious exemptions may also be granted. In June, the [legislation](#) H.R. 3860, which would ban any mandatory vaccinations for U.S. military members, was introduced by Representative Thomas Massie (R-Ky.). Thus far, that legislation has garnered 30 Republican House co-sponsors.



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