



# The Military's COVID-19 Vaccination Mandate

September 28, 2021

Since the onset of the Coronavirus Disease 2019 (COVID-19) pandemic, Members of Congress have expressed interest in [Force Health Protection](#) (FHP) measures the Department of Defense (DOD) might implement to protect servicemembers and mitigate pandemic-related threats to military operations. DOD has implemented a variety of [conditions-based FHP measures](#) that mirror the [U.S. Centers for Disease Control and Prevention's recommended protective measures](#), to limit the spread of COVID-19 among military personnel. On August 9, 2021, the Secretary of Defense (SECDEF) issued a [Message to the Force](#) indicating his intent to require COVID-19 vaccination for servicemembers “no later than mid-September, or immediately upon the U.S. Food and Drug Administration (FDA) licensure [of a COVID-19 vaccine], whichever comes first.”

On August 23, 2021, the FDA approved the [licensing application](#) for the Pfizer-BioNTech COVID-19 vaccine for individuals aged 16 years and older. The vaccine, marketed as *Comirnaty*, is also available to individuals aged 12 through 15 years old under an [existing emergency use authorization](#) (EUA). SECDEF [issued a memorandum](#) on August 24, 2021, directing the Secretaries of the Military Departments (MILDEPs) to “immediately begin full vaccination of all members of the Armed Forces under DoD authority on active duty or in the [Ready Reserve](#), including the National Guard, who are not fully vaccinated against COVID-19.”

This Insight summarizes the COVID-19 vaccination mandate for servicemembers and offers considerations for Congress as the MILDEPs implement the mandate. For an overview of DOD's vaccination policy and program, see [CRS InFocus 11816](#).

## Military Mandate for COVID-19 Vaccination

The [SECDEF memorandum](#) mandates that servicemembers become “fully vaccinated against COVID-19” and directs that only FDA-approved COVID-19 vaccines be used for mandatory vaccination. Servicemembers may also volunteer to receive another COVID-19 vaccine to meet the requirement. DOD defines “fully vaccinated” status as starting “two weeks after completing” the dosing regimens of

- the Pfizer-BioNTech vaccine,

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- a COVID-19 vaccine subject to an FDA EUA (e.g., Moderna or Johnson & Johnson), or
- a COVID-19 vaccine approved on the [World Health Organization’s Emergency Use Listing](#).

The memorandum states that servicemembers previously infected with COVID-19 are not considered “fully vaccinated.” Servicemembers may be vaccinated through the [Military Health System](#) or another clinic at no cost.

Each MILDEP has issued directives to establish the requirement, establish deadlines, and clarify the process for requesting an exemption. The U.S. Coast Guard (USCG), under the Department of Homeland Security, [issued a similar mandate](#) for active and reserve members on August 26, 2021.

## COVID-19 Vaccination Exemptions

Servicemembers may request an administrative or medical exemption to the vaccination requirement using [similar procedures](#) established for other [mandatory vaccinations](#).

### Medical Exemptions

Temporary ( $\leq 365$  days) medical exemptions may be authorized by a DOD or USCG medical provider if a servicemember has an [underlying health condition contraindicated with vaccination](#) (e.g., the individual is immunocompromised or experienced a previous adverse health effect from an immunization), or a clinical issue that requires further medical evaluation. Certain military services may also authorize a permanent ( $>365$  days) medical exemption when approved by a senior medical official. The SECDEF memorandum exempts servicemembers participating in [COVID-19 clinical trials](#) from mandatory vaccination until the end of the research project.

### Administrative Exemptions

[Temporary or permanent administrative exemptions](#) may be authorized under certain circumstances. A unit commander may authorize exemptions for those pending separation or retirement. Senior service officials may authorize religious exemptions after the servicemember is counseled by the unit commander, a medical provider, and a military chaplain. These requests must also be endorsed by the servicemember’s chain of command and reviewed by a military lawyer prior to consideration by an approving authority. In general, servicemembers may appeal a denied exemption request to a higher-level authority for a final adjudication decision.

**Figure 1** identifies the military services’ vaccination deadlines and the approval authorities for medical and administrative exemptions.

**Figure 1. COVID-19 Vaccination Deadlines and Approval Authorities for Exemptions**

Military Service		Vaccination Deadline	Approval Authority		
			Medical Exemption	General Administrative Exemption	Administrative Exemption for Religious Accommodation
Army	Active Component	December 15, 2021	<b>T:</b> DOD Medical Provider  <b>P:</b> Army Regional Health Commander	Unit Commander	Army Surgeon General
	Reserve Component	June 30, 2022			
	National Guard	June 30, 2022			
Air Force	Active Component	November 2, 2021	<b>T:</b> DOD Medical Provider	Unit Commander	Commander of a Major Command, Field Command, Direct Reporting Unit, or Field Operating Agency
	Reserve Component	December 2, 2021			
	National Guard	December 2, 2021			Director of the Air National Guard
Coast Guard	Active Component	Immediately, as soon as operations allow	<b>T:</b> Coast Guard or DOD Medical Provider  <b>P:</b> Assistant Chief Medical Officer, Coast Guard Headquarters	Chief of Military Personnel Policy	
	Reserve Component				
Marine Corps	Active Component	November 28, 2021	<b>T:</b> DOD Medical Provider  <b>P:</b> Command Surgeon (Rank O-5 or above) or Director for Health Services, Headquarters Marine Corps	Unit Commander	Deputy Commandant for Manpower & Reserve Affairs
	Reserve Component	December 28, 2021			
Navy	Active Component	November 28, 2021	<b>T:</b> Navy Medical Provider  <b>P:</b> Navy Medical Flag Officer	Unit Commander	Chief of Naval Personnel
	Reserve Component	December 28, 2021			
Space Force	Active Component	November 2, 2021	<b>T:</b> DOD Medical Provider	Unit Commander	Commander of a Major Command, Field Command, Direct Reporting Unit, or Field Operating Agency

**Legend:** T = Temporary Medical Exemption (≤ 365 days)  
P = Permanent Medical Exemption (>365 days)

**Source:** CRS analysis of Department of the Army, *FRAGO 5 to HQDA EXORD 225-21 COVID-19 Steady State Operations*, September 14, 2021; Army Regulation 600-20, *Army Command Policy*, July 24, 2020; Department of the Air Force memorandum, *Mandatory Coronavirus Disease 2019 Vaccination of Department of the Air Force Military Members*, September 3, 2021; U.S. Naval Administrative Message 190/21, *2021-2022 Navy Mandatory COVID-19 Vaccination and Reporting Policy*, August 31, 2021; Bureau of Naval Personnel Instruction 1730.11A, *Standards and Procedures Governing the Accommodation of Religious Practices*, March 16, 2020; U.S. Marine Corps Administrative Message 462/21, *Mandatory COVID-19 Vaccination of Marine Corps Active and Reserve Components*, September 1, 2021; Marine Corps Order 1730.9, *Accommodation of Religious Practices in the Marine Corps*, July 12, 2021; DOD, *Joint Services Regulation on Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases*, October 7, 2013; and Email communication with DOD and USCG officials, September 2021.

## Addressing Noncompliance

The MILDEP directives authorize unit commanders to counsel and take action against noncompliant servicemembers who have not requested or received an exemption, which is considered a violation of [Article 92](#) (i.e., Failure to Obey order or regulation) of the [Uniform Code of Military Justice](#). A unit commander may pursue the following actions against a noncompliant servicemember:

- no action,
- [administration action](#),
- [nonjudicial punishment](#),
- disposition of charges (i.e., court-martial), or
- [forwarding \(to another court-martial authority\) for disposition of charges](#).

## Considerations for Congress

Congress may consider the following lines of inquiry to gather further information on DOD and USCG implementation of the COVID-19 vaccination mandate:

- What barriers, if any, do servicemembers experience in requesting an exemption or accommodation?
- How are unit commanders and senior service leaders trained to evaluate and decide on religious accommodations and other personnel matters?
- How do unit commanders determine which action is appropriate for noncompliant servicemembers?
- What [discharge characterization](#) will separated or dismissed servicemembers receive? Are discharge characterizations after an adverse separation consistent and comparable across all military services?
- How might the mandate affect military recruitment and retention?
- How will DOD or the MILDEPs record the number or percentage of noncompliant servicemembers? Will that data be made available to Congress?

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