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February 17, 2022

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

Dear Acting Inspector General O'Donnell:

I am writing to request that you conduct an audit into the process for reviewing religious accommodation requests for the Department of Defense (DOD) COVID-19 vaccine mandate.

Congress has a vested interest in ensuring that DOD is upholding the constitutional rights of our men and women in uniform. Such an audit would aid the oversight responsibilities my colleagues and I have to ensure the Pentagon is working to protect the religious liberty of each of our service members.

From the data points on religious accommodations for the COVID-19 vaccine that I have received, it is clear that DOD leaders are ignoring the sincerely-held religious beliefs of service members. Until a few weeks ago, the U.S. military had not approved a single religious accommodation request across all branches. Since then, the Department has informed me they have approved twelve requests—all granted to service members who are already planning to separate from their service—out of thousands of requests. The U.S. Army still has not granted a single permanent religious accommodation despite thousands of requests. Given DOD's track record, it is not unreasonable to presume these adjudications were made in an attempt to establish an outward perception of a just process in response to public outrage, rather than the result of credible analysis.

DOD's religious accommodation approval rate remains below 0.04 percent, which is shocking enough. But the Department has made matters worse by using discriminatory, boilerplate responses in denial letters. Examples shared with my office misapply U.S. law and discredit the sincerity of religious beliefs. In one denial reply shared by a Marine, the Commanding Officer stated that requiring the COVID-19 vaccine "does not substantially burden your sincerely held religious belief."

Commanding Officers with no legal or spiritual training have no right to dictate what substantially burdens a service member's sincerely held religious belief. The Department has a constitutional and statutory responsibility to accommodate religious exercise, even exercise with which it disagrees or views as negligible. DOD does not have the legal authority to second-guess the reasonableness of a religious belief or the service member's assessment of the religious connection between the mandate and his or her underlying belief. Further, the Department is required to evaluate all accommodation requests individually to determine whether or not the vaccine is the least restrictive way of burdening a service member's religious belief.

DOD's evasive replies, incomplete data, and continued delays have sparked considerable outrage on Capitol Hill. With this track record of obfuscation and unclear guidance on religious accommodations,

81) calling for the establishment of “uniform standards under which covered members may be exempted from receiving an otherwise mandated COVID-19 vaccine for administrative, medical, or religious reasons.” That directive from Congress should impress upon DOD the seriousness of its behavior, yet no significant improvements have been made.

In light of this troubling fact pattern, I ask that you consider and provide answers to the following questions in an audit:

- What actions is DOD taking to ensure that military leaders who are evaluating religious accommodation requests base such determinations on the Religious Freedom Restoration Act (RFRA) and DOD Instruction (DODI) 1300.17, rather than the personal views of DOD leaders?
- Is the DOD evaluating each accommodation request individually? Please evaluate and provide an analysis on the use of boilerplate responses to accommodation requests.
- Please include an analysis of the medical and administrative accommodation request approvals and denials compared to accommodation requests that are religious.
- Has the Department established “uniform standards under which covered members may be exempted from receiving an otherwise mandated COVID-19 vaccine for administrative, medical, or religious reasons,” as required by the FY22 NDAA?
- How does DOD’s religious accommodation adjudication process for service members who anticipate remaining in the military for a number of years differ from those who are nearing retirement?
- Were any service members who were discharged following a denied religious accommodation request subjected to a less than honorable discharge?
- Were chaplains who requested a religious accommodation denied? If so, how many and for what reason were they denied?

As the Acting Inspector General, you are uniquely positioned to examine this issue without fear of reprisal, which continues to silence many concerned service members. I urge you to use your authority to investigate DOD’s clear disregard for the religious liberties of our men and women in uniform. A full examination of the Department’s adjudication process for religious accommodations will only grow more important as the services commence separation.

Thank you for your attention to this matter and I look forward to hearing from you.

In God We Trust,



James Lankford
United States Senator