



U.S. Department of Justice
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December 9, 2022

VIA CM/ECF

David J. Smith, Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

RE: *Navy Seal 1, et al. v. Secretary of the United States Department of Defense, et al.*,
No. 22-10645 (11th Cir.) (argument scheduled for December 14)

Dear Mr. Smith:

The government writes to notify the Court that on December 8, 2022, the House of Representatives passed the National Defense Authorization Act for Fiscal Year 2023 (NDAA). In its current form, the NDAA would direct the Secretary of Defense to rescind the military's COVID-19 vaccination requirement within 30 days of enactment. *See* James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, H.R. 7776, 117th Cong. § 525 (2022). If the military's COVID-19 vaccination requirement is rescinded, this appeal—of a preliminary injunction barring application of that requirement to plaintiffs—will likely be moot.

Sincerely,

/s/ Sarah J. Clark
Sarah J. Clark
Counsel for the United States

cc: Counsel of Record (via CM/ECF)