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## Congress of the United States

House of Representatives  
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The Honorable Christopher Miller  
Acting Secretary of Defense  
U.S. Department of Defense  
1400 Defense Pentagon  
Washington D.C. 20301

Dear Acting Secretary Miller,

First, please allow me to congratulate you on your recent appointment as the Acting Secretary of Defense. I believe your experience will serve you well in this role and as Fort Bragg's Congressman, I look forward to working with you.

I write to you today to bring your attention and ask for your assistance in the implementation of Section 731 of the National Defense Authorization Act for Fiscal Year 2020. As you may know, this provision allows servicemembers who believe they have been victims of medical malpractice by a Department of Defense (DoD) health care provider to pursue their claims through an administrative process. While this section does not wholly repeal the *Feres Doctrine*, it is a positive step toward the equitable treatment of our men and women in uniform.

It is my understanding that the DoD is progressing toward an interim final rule but it has hit significant delays. The last formal update that I received set a target date of 30 September, 2020. However, we are now well passed this target and there is still no timeline on when a rule will be made public. This delay is unacceptable.

Additionally, I would like to highlight the perceived reluctance of the Department to engage on this issue and work in an expeditious manner to meet the requirements under law. There seems to be a reluctance not only to create the administrative process, but to provide timely and detailed information as to the progress that is being made.

When we initially began this endeavor to bring equitable treatment to those harmed by medical malpractice, it was noted that the DoD was opposed to this effort. I sincerely hope that this is not an effort by the Department to delay a policy that they do not support.

With that in mind, I ask for you to look into the ongoing process and provide an update and timeline moving forward as soon as possible. I am thankful for your long history of serving our country and believe you can accomplish great things in this role. I look forward to hearing from you and eagerly await your response.

Sincerely,



Richard Hudson  
Member of Congress