

SECTION 1. SHORT TITLE.

This Act may be cited as the “Access to Reproductive Care for Servicemembers Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Following the Supreme Court’s decision to eliminate the right to abortion, States across the country are moving swiftly to ban abortion access, leading to even greater barriers to care for military members and their families.

(2) Access to abortion care is essential to a person’s health and central to their economic and social well-being. Bans and restrictions on abortion delay access to abortion care and therefore increase costs for members of the Armed Forces seeking care. The consequence of these delays and barriers could mean that a person is forced to carry a pregnancy against their will.

(3) The Armed Forces have a large presence in many States that have banned or restricted access to abortion, many of which also neighbor States that are rapidly moving to ban or restrict access to abortion.

(4) Members of the Armed Forces seeking care off-base may be limited in their ability to do so due to restrictions on leave, expenses associated with traveling to an abortion provider, or other barriers including stigma and discrimination.

(5) Any restriction on receiving approval to take leave for abortion care interferes with a member of the Armed Forces’ health, well-being, and right to access the care they need. The decision to terminate a pregnancy should not depend on the discretion or judgment of a military commander.

(6) The Department of Defense has recognized that abortion is a time sensitive-procedure and access should not be delayed for members or military families.

(7) When a member of the Armed Forces decides to obtain an abortion, it should be available, affordable, private, and free from punishment, reprisal, or judgment by the member’s chain of command.

(8) Commanders or approval authorities have a duty to display objectivity, compassion, and discretion when addressing all health care matters, including reproductive health care matters, and commanders or approval authorities have a duty to enforce existing policies against discrimination and retaliation.

(9) The harms of abortion-specific restrictions fall most heavily on people who already face barriers to accessing health care including people with low incomes, such as junior members, and Black, Indigenous, and people of color, immigrants, young people, people with disabilities, the LGBTQI+ community, and those stationed in rural and other medically underserved areas.

(10) Equal access to abortion care, everywhere, is essential to social and economic

participation, equality, reproductive autonomy, and the right to determine a person's own life.

(11) The denial of leave for an abortion or any other reproductive health service violates the rights of members of the Armed Forces. Access to care for military families should not be determined by the personal beliefs of others.

(12) In addition to the health and well-being implications for members of the Armed Forces and their families, the failure to address these issues will contribute to the challenges that the Armed Forces faces in attracting and retaining personnel, thereby negatively affecting military strength and readiness.

SEC. 3. LEAVE FOR A MEMBER OF THE ARMED FORCES FOR ABORTION.

(a) IN GENERAL.—The Secretary concerned (as such term is defined in section 101 of title 10, United States Code) shall, with regards to abortion care for a member of the Armed Forces or their dependents —

- (1) consider such care to be time-sensitive and therefore approve leave for such abortion care; and
- (2) not require the member or their dependents to disclose to a commanding officer the exact care or procedure being received upon the member providing a recommendation for a time-sensitive procedure from a DOD health care provider.

(b) REIMBURSEMENT FOR TRAVEL.

(c) The Secretary concerned shall reimburse the member or dependent for costs incurred by the member for travel and transportation allowances -

- (1) when timely access to abortion services are not available near the member or dependent's location .
- (2) for travel and transportation to any clinic that provides abortion care and services.

(c) PRIVACY.—Health care providers of the Defense Health Agency and commanding officers shall, to the greatest extent practicable, protect the privacy of a member who takes leave under this section, including, but not limited to when such member makes a request for such leave and when such member returns to duty.

(d) PROHIBITION.—No member of the Armed Forces may be subject to any adverse action for requesting or taking leave under this section, and no approval authority or DOD health care provider may be subject to any adverse reaction for recommending leave under this section .