

# United States Senate

June 30, 2022

The Honorable Lloyd J. Austin III  
Secretary of Defense  
1000 Defense Pentagon  
Washington, D.C.  
20301-1000

Dear Secretary Austin,

Last Friday the Supreme Court released a dangerous and deeply harmful ruling on *Dobbs v. Jackson Women's Health Organization*, overturning the nearly fifty-year precedent established by *Roe v. Wade* and denying women autonomy over their own bodies. Although only days old, the decision has already eliminated fundamental human and reproductive rights from millions of women across the country. Entrusted to your care are hundreds of thousands of troops, dependents, and Department of Defense (DOD) civilians who have lost access to safe abortions and now face threats of criminal prosecution for seeking out those services. As the leader of our military services, it falls on you to preserve the health and welfare of our Soldiers, Sailors, Airmen, Marines, and Guardians.

As a result of the ruling, servicemembers' reproductive and health care rights have become dependent on their duty station. Many of the states expected to prohibit or greatly limit abortions are home to military installations including Arizona, Florida, Georgia and Texas. In Missouri, even in cases of ectopic pregnancies, doctors are forced to wait to the point at which a mother's life is threatened before lifesaving abortion procedures can be performed. These laws could force servicemembers in these states to face criminal prosecution or life-threatening circumstances. This untenable situation violates the trust servicemembers place in the Armed Forces when they swear an oath to defend the Constitution and this country. It further threatens recruitment and retention as servicemembers will undoubtedly elect to leave the military rather than run the risk of being assigned to a duty station where they and their family will be denied fundamental rights.

A memorandum written this week by Mr. Gilbert Cisneros, the Under Secretary of Defense for Personnel and Readiness, explained that "covered abortions" at Department facilities will continue as before but failed to speak to abortion access or protections for the rank and file. We remain concerned and seek to better understand the implications this draconian ruling will have on Defense Department personnel. We ask that you provide responses to the following questions:

1. What actions will you implement to protect DOD community members from legal prosecution in states where abortion services have, or will be curtailed?

2. How will this decision impact access to leave for the purpose of abortion and are there criminal implications for those who grant it?
3. What, if anything, do current DOD travel regulations say about accessing abortion services and how will you amend them in light of these developments?
4. How will the Department protect a woman's right to privacy and ability to travel and receive abortion procedures and after-care without command influence, retribution or retaliation?
5. How will you guarantee a member's performance evaluations, promotions, and retention is not affected for seeking abortion care?
6. How will you protect a servicemember from being forced to disclose the purpose of a leave request if it is based on travel to access abortion and related care?
7. Will the DOD provide convalescent leave for servicemembers who travel to seek an abortion such that they do not need to return immediately to work after the procedure?

We call on you to take immediate action to protect the servicemembers under your charge by implementing DOD-wide policy that:

1. Allows people stationed in states that deny abortion services, including those in training commands, be granted permission to travel whatever distance necessary from assigned bases to an out-of-state provider to receive abortion and related care.
2. Grants members, including those stationed overseas, Permissive Temporary Additional Duty to obtain abortion procedures rather than charging them annual leave.
3. Establishes independent advocates or liaisons who can confidentially assist members to access abortion services, time away from duty, and medical after-care without the need to disclose personal health information to supervisors to avoid intrusion, retribution, or retaliation.

The men and women who join the military sacrifice an incredible amount in order to serve their country. We owe it to these servicemembers to look after them and ensure they have the ability to continue accessing safe reproductive health care no matter where their military service sends them. We urge you expand on the Under Secretary's memorandum and give this request the fullest possible consideration.

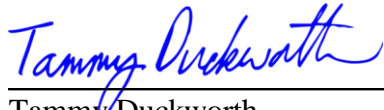
Sincerely,



Mazie K. Hirono  
United States Senator



Richard Blumenthal  
United States Senator



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Tammy Duckworth  
United States Senator



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Kirsten Gillibrand  
United States Senator



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Elizabeth Warren  
United States Senator



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Jacky Rosen  
United States Senator



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Michael F. Bennet  
United States Senator



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John Hickenlooper  
United States Senator