

March 22, 2023

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

Dear Secretary Austin:

On Jan. 4, 2023 the Department of Defense (DOD) announced the expansion of the Military Parental Leave Program (MPLP) via Directive-type Memorandum 23-001 – “Expansion of the Military Parental Leave Program.” I applaud the DOD for acting to ensure military families are afforded adequate parental leave, which has been proven crucial for the recovery of a birth parent and adequate bonding for both parents when welcoming a new child into a home.

While the addition of twelve weeks parental leave will help servicemembers and their loved ones adapt to changes within their family, the physical ramifications of childbirth and the convalescent leave traditionally afforded the birth parent for recovery should not be minimized. Despite the DOD order allowing birth parents to be granted 12 weeks of parental leave “following a period of convalescent leave,” Service branches have issued their own directives that allow for ambiguity, raising concerns that some servicemembers may be required to return to active duty before they are physically or mentally fit to do so.

Changes to Air Force policy state Convalescent leave “may be authorized for the recovery of the birth parent from giving birth if such leave is specifically recommended, in writing by the health care provider of the birth parent to address a diagnosed medical condition and is approved by the unit commander” (DAFI 36-3003).

Meanwhile Army policy states “Maternity convalescent leave is authorized for the recovery of the birth parent from giving birth if such leave is specifically recommended in writing but the health care provider of the birth parent and is approved by the unit commander.” (ALARACT 007/2023)

The Marine Corps’ language (MARADMIN 051/23) states, “Maternity Convalescent Leave, standardized at six weeks from the previous policy, is removed with this change. Marines who give birth may still be eligible for convalescent leave following a birth.” Additionally, “Convalescent leave may be authorized for a diagnosed medical condition associated with the qualifying birth immediately following a birth event when specifically recommended, in writing, by the health care provider of the birth parent and subsequently approved by the commander.” The MARADMIN continues, “Commanders may grant convalescent leave only to the birth parent for recovery from a birth event, if such leave is specifically recommended in writing, by the health care provider of the birth parent.”

Although the new policy states the amount of convalescent leave birth parents receive will be determined on an “individual basis,” I believe a basic, consistent standard of care must be

established and implemented throughout the Defense Department to protect the health and safety of birthparents and the readiness of our Armed Forces.

I am concerned the recent change in language allows a level of ambiguity that could be used to deny convalescent leave to the detriment of birth parents and their children. I would like to better understand how this is being implemented in the Services, and how medical providers and commanders are deciding on the appropriate amount of convalescent leave a birthing parent should receive. Will commanders have the final discretion over medical decisions? Clear direction is needed in order to avoid ambiguity and misuse of the intent of the order.

What is clear is that post-natal convalescent leave is crucial for birthparent health and faster recovery so they may return to a level of fitness that enhances military readiness. Further, the lack of space in base Child Development Centers makes finding childcare a challenge in an unpredictable timeframe. Given this, I urge you to promulgate regulations codifying the Department's recently announced policy to protect the birthparents' access to convalescent leave. This would provide much needed certainty to birth parents that their health and recovery are of paramount importance.

As the leader of our military services, we count on you to preserve the health and welfare of our servicemembers and their families, the readiness of our armed forces, and security of our nation. I appreciate the important steps you've taken to date to assist military families welcome a new child into their homes, and urge you to further protect the post-natal convalescent leave that is so vital to recovering birthparents and their families.

Sincerely,

A handwritten signature in blue ink that reads "Mazie K. Hirono". The signature is written in a cursive, flowing style.

Mazie K. Hirono  
U.S. Senator