

117TH CONGRESS
2D SESSION

H. R. 8916

To establish leave policies of the Armed Forces for a member to seek an abortion.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2022

Mr. CROW (for himself, Ms. SPEIER, Mr. BROWN of Maryland, Ms. NORTON, Ms. STRICKLAND, Ms. DEAN, Ms. PORTER, Ms. LOIS FRANKEL of Florida, Mr. MOULTON, Mr. MCGOVERN, Mrs. TORRES of California, Ms. LEE of California, Mr. EVANS, Mr. GRIJALVA, Ms. BROWNLEY, and Ms. SHERRILL) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To establish leave policies of the Armed Forces for a member to seek an abortion.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

14 (3) The Armed Forces have a large presence in
15 many States poised to ban or restrict access to abor-
16 tion, many of which also neighbor States that would
17 likely ban abortion.

18 (4) Members of the Armed Forces seeking care
19 off-base may be limited in their ability to do so due
20 to restrictions on leave or travel restrictions imposed
21 by their unit.

22 (5) Restrictions on receiving approval to take
23 leave for abortion care interfere with a member of
24 the Armed Forces’ health, well-being, and right to
25 access the care they need. The decision to terminate

1 a pregnancy should not depend on the discretion or
2 judgment of a military commander.

3 (6) The Army has recognized that abortion is
4 a time sensitive-procedure and access should not be
5 delayed for members or military families.

6 (7) When a member of the Armed Forces de-
7 cides to obtain an abortion, it should be available,
8 affordable, private, and free from punishment, re-
9 praisal, or judgment by the member's chain of com-
10 mand.

11 (8) The harms of abortion-specific restrictions
12 fall most heavily on people who already face barriers
13 to accessing health care including people with low in-
14 comes, such as junior members, and Black, Indige-
15 nous, and people of color, immigrants, young people,
16 people with disabilities, the LGBTQI+ community,
17 and those stationed in rural and other medically un-
18 derserved areas.

19 (9) Equal access to abortion care, everywhere,
20 is essential to social and economic participation,
21 equality, reproductive autonomy, and the right to de-
22 termine a person's own life.

23 (10) The denial of leave for an abortion or any
24 other reproductive health service violates the rights
25 of members of the Armed Forces. Access to care for

1 military families should not be determined by the
2 personal beliefs of others.

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

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

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

15 (1) consider such care to be time-sensitive and
16 therefore approve leave for such abortion care; and

17 (2) not require the member to disclose to a
18 commanding officer the time-sensitive care or proce-
19 dure being received during such leave.

20 (b) REIMBURSEMENT FOR TRAVEL.—In a jurisdic-
21 tion where abortion is prohibited or inaccessible, the Sec-
22 retary concerned shall reimburse the member for costs in-
23 curred by the member to travel to a different jurisdiction
24 for an abortion.

1 (c) PRIVACY.—Health care providers of the Defense
2 Health Agency and commanding officers shall, to the
3 greatest extent practicable, protect the privacy of a mem-
4 ber who takes leave under this section, including when
5 such member makes a request for such leave and when
6 such member returns to duty.

7 (d) PROHIBITION.—No member of the Armed Forces
8 may be subject to any adverse action for requesting or
9 taking leave under this section.

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