

ACCESS TO REPRODUCTIVE HEALTH CARE INCLUDING ABORTION AND ALL FORMS OF CONTRACEPTION IS PARAMOUNT FOR OUR NATION'S SERVICE MEMBERS, VETERANS, AND THEIR FAMILIES | Meera Rajput, JD, Reproductive Justice Federal Fellow

Introduction

It is indisputable that our country's servicemembers and veterans deserve the same equitable access to health care, including the full spectrum of reproductive health care, as their civilian counterparts. Access to abortion, contraception, fertility care, and other reproductive health care is essential for people to have the power to make their own decisions about their health and well-being. Since the Supreme Court's decision to overturn *Roe v. Wade* eliminating the constitutional right to abortion, the ability to access abortion and other reproductive health care has been severely threatened and limited for all people.

More than a dozen states have banned abortion since the decision, and others severely restricted access to abortion care making it essentially unavailable. Given that many service members are stationed in states with abortion bans and severe restrictions, and typically have little control over where they are stationed, they continue to face immense barriers to care and may be forced to remain pregnant if they cannot travel out of the state. For those service members and veterans who sit at the intersections of identities around which they experience multiple systemic oppressions—race and ethnicity, gender identity, sexual orientation, geographic location—abortion care and other health care may be pushed out of reach as a result of structural barriers and discrimination.

Department of Defense

In response to the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* eliminating the constitutional right to abortion, the Department of Defense (DoD) announced efforts to ensure access to reproductive health care for service members, including establishing additional privacy protections for reproductive health care information, nondisclosure of reproductive health information to commanders, and a program to ensure DoD providers do not risk being criminalized or losing their license for providing essential care. The DoD put forth these new policies to ensure that service members and their families can make private health care decisions without experiencing stigma or discrimination from their commanding officers and to allow health care providers to give care without the fear of being criminalized for it.

The DoD also recognized that many service members and their families have to travel greater distances because of where they are stationed and take time off work just to access essential reproductive health care - which creates negative consequences that interfere with their ability to recruit and retain a highly qualified force.¹ The RAND corporation, a non-profit research organization, found that 46% of active-duty service members have no or severely restricted access to abortion care-leaving almost half of the women currently

servicing our country without access to the basic essential health care they deserve.ⁱⁱ

In October of 2023, The U.S. Secretary of Defense put forth another memorandum titled “Ensuring Access to Reproductive Health Care,” which directed the DoD to take several actions to ensure that service members and their families could access any noncovered reproductive health care they need. These policies include (1) command notification of pregnancy, which allows service members to take up to 20-weeks of pregnancy to tell their commanders of their pregnancy status with limited exceptions,ⁱⁱⁱ (2) an administrative absence policy, which lets service members request an administrative absence from their normal duty station for non-covered reproductive health care without being charged leave,^{iv} and (3) travel allowances for non-covered reproductive care^v which allows service members and their dependents to travel to access care, especially when care is not available local to one’s permanent or temporary duty station.^{vi} However, this care is at the service member’s expense. Although the DoD has taken the first critical step in improving access to reproductive health care for our nation’s servicemembers, there remain numerous hurdles, including financial expense, and additional roadblocks continue to be set up by anti-abortion legislators and members of Congress that threaten the implementation of these policies.

Veteran Affairs

In light of the abortion access crisis made worse by the Supreme Court’s decision in *Dobbs*, the Veteran Affairs (VA) Administration took a historic leap in September 2022 and partially lifted its longstanding ban on abortion, allowing veterans, family members, and caretakers to access abortion care at VA facilities in cases of rape, incest, and when the life or health of the pregnant person is at risk. The VA also lifted its

ban on abortion counseling and information, ensuring providers can give veterans and their families the information they need to make the best decisions for themselves.

This move by the VA is critical as veterans, their dependents, and caretakers face insurmountable barriers to care, including long distances to travel and out of pocket costs for care. For those veterans who experience multiple oppressions, the barriers may be insurmountable and abortion care may be pushed out of reach entirely.

Yet, the fight is far from over. Anti-abortion lawmakers continue to push resolutions and measures to hinder veterans’ access to essential health care while ignoring the sacrifices they have made for the safety of our country.

National Defense Authorization Act (NDAA)

The National Defense Authorization Act (NDAA) provides the biggest source of funding for the U.S. military- including training, equipment, and resources for missions. Within the NDAA exist policies for improving health care for service members and their dependents and families.

Unfortunately, the U.S. House of Representatives recently passed its version of the National Defense Authorization Act (NDAA) with multiple anti-abortion and anti-LGBTQ amendments. Republicans forced a vote on an amendment to the House Floor which rolled back the DoD policy helping service members travel to get the abortion care. That amendment and multiple amendments banning gender affirming care for both service-members and dependents, although strongly opposed by a majority of Democrats, ultimately passed. The Senate also passed its version of the NDAA. Now, the bills head to conference where the NDAA will be negotiated before final passage.

What Other Policy Solutions Can Help Improve Access to Reproductive Health Care for Servicemembers, Veterans, and their Families?

During this Congress, multiple bills have been introduced aimed at improving reproductive health care access for servicemembers and dependents. Senators Shaheen and Hirono and Representatives Escobar, Strickland, and Jacobs reintroduced the bicameral *Access to Contraception for Servicemembers & Dependents Act* which included three key provisions: 1) a requirement that all people enrolled in TRICARE have coverage of contraceptives without cost-sharing, the same as civilians; 2) a requirement for the DoD to develop a comprehensive family planning education program for all servicemembers, ensuring that military families have the information necessary to make informed decisions; and 3) a guarantee of access to emergency contraception for survivors of sexual assault upon their request.

Senator Shaheen also introduced the *Protecting Service Members and Military Families' Access to Health Care Act* which calls to codify the Department of Defense's policy to ensure servicemembers and their families can access non-covered reproductive health care, including abortion services, regardless of the state in which they are stationed. Specifically, the bill allows servicemembers to access non-covered reproductive health care through an administrative absence, to prevent loss of accrued leave and with full pay; allows a servicemember to accompany a spouse or dependent who receives non-covered reproductive health care through an administrative absence; provides a servicemember, or their dependent, access to travel and transportation allowances to receive

non-covered reproductive health care (note: this does not include payment for the reproductive care services); and ensure the protection of the privacy of the servicemember requesting administrative absence in order to access or accompany a spouse or dependent accessing non-covered reproductive health care.

In June 2023, The Military Access to Reproductive Care and Health for Military Servicemembers Act (MARCH Act) was reintroduced. This bill would allow for abortions on military bases in all states including states where abortion is banned or soon will be banned. It would also allow the military to cover the cost of care for those who could not afford to pay.^{vii} This is especially important for servicemembers who do not have the same flexibility as civilians to choose where they live and are stationed in many states with abortion bans.^{viii}

Fighting Back Against Attacks on Abortion Care and Gender-Affirming Care

Physicians for Reproductive Health in partnership with many veteran service organizations (VSOs) and reproductive rights, health and justice organizations are fighting back against the onslaught of attacks on gender affirming care that both the DOD and VA provide. Attacks on gender-affirming care arise out of the same playbook as attacks on abortion access. Bans on abortion and gender affirming care access are rooted in the same systems of oppression and white supremacy that serve to control those disproportionately affected by these bans: Black, Indigenous, people of color, immigrant communities, people living on low incomes, young people, and LGBTQ+ people. We must fight against this for our nation's service members and veterans who give so much for our nation and deserve to have full bodily autonomy.

-
- ⁱ [Memorandum: Ensuring Access to Reproductive Health Care \(defense.gov\)](#) PDF.
- ⁱⁱ Kyleanne M. Hunter and Sarah O. Meadows, *Limiting Access to Reproductive Health Care May Undermine National Security*, Rand Blog, July 6 2023, [Limiting Access to Reproductive Health Care May Undermine National Security | RAND](#).
- ⁱⁱⁱ [Under Secretary of Defense for Personnel and Readiness Memorandum](#) PDF.
- ^{iv} [MEMORANDUM-TRAVEL-FOR-NON-COVERED-REPRODUCTIVE-HEALTH-CARE-SERVICES.PDF \(defense.gov\)](#) PDF.
- ^v Department of Defense, *Releases Policies to Ensure Access to Reproductive Health Care*, Feb. 16, 2023 [DoD Releases Policies to Ensure Access to Non-Covered Reproductive Health Care > U.S. Department of Defense > Release](#).
- ^{vi} [MEMORANDUM-TRAVEL-FOR-NON-COVERED-REPRODUCTIVE-HEALTH-CARE-SERVICES.PDF \(defense.gov\)](#) PDF.
- ^{vii} [Summary of H.R. 7945 \(117th\): MARCH for Military Servicemembers Act - GovTrack.us](#)
- ^{viii} *Id.*