

November 14, 2022

The Honorable Jack Reed  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Building  
Washington, DC 20510

The Honorable Adam Smith  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairmen Reed and Smith:

As organizations committed to protecting and improving access to reproductive health care for service members and military families, we write to strongly reaffirm our support for essential sexual and reproductive health care access for those in the military. As you negotiate the National Defense Authorization Act (NDAA) for fiscal year (FY) 2023, we urge you to remain steadfast in your support for the reproductive rights of those who serve and their loved ones. The Department of Defense (DoD) has recently announced necessary actions to safeguard access to abortion care for service members and dependents since the Supreme Court declared there is no constitutional right to abortion. We applaud these efforts and urge your committees to recommit to protecting the freedoms of all people who have served, including their loved ones, to control their own bodies, lives, and futures.

In a [memorandum](#) issued on October 20, 2022,<sup>1</sup> DoD announced the Department will now provide travel allowances for a service member or their dependent to obtain abortion care that they cannot access on base or within the service area of the base. DoD also announced plans to standardize administrative absence policies for abortion care, strengthen privacy protections for service members in an effort to prevent discrimination and retaliation from a commander, and assist DoD health care providers who may be subject to legal or other penalties under state law for performing their federal duties.

Because service members and military families cannot choose where they are stationed, they face unique and considerable hardships in accessing the care they need. Even before the Supreme Court overturned *Roe v. Wade*, state-level abortion bans and restrictions had already forced service members and their dependents to travel long distances at great cost to obtain care. Now, abortion is illegal in multiple states, including those where the military has a large presence,

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<sup>1</sup> In its memo, DoD declared a number of crucial proposals to ensure that service members and dependents can obtain abortion care when they cannot access the care through the military due to current bans in federal law. These include a ban on providing abortion services at military treatment facilities (MTFs), otherwise known as the “facilities ban,” and a ban on abortion coverage under TRICARE - both with limited exceptions for cases of rape, incest, or to save the pregnant person’s life.

significantly exacerbating barriers to abortion care.<sup>2</sup> Even if a service member is ultimately able to reach a clinic, they are likely to face significantly longer wait times and increased costs associated with the travel,<sup>3</sup> lodging, and child care that a person may need while seeking abortion care outside of their community. These costs add up, making it harder for a person to access abortion care, especially when they already face bans on abortion care and coverage under current federal law in the military.

These burdens can make it difficult or even impossible to access needed health care for the hundreds of thousands of service members who can become pregnant. Over 400,000 women serve on active duty in the Armed Forces or the Reserve Components of the Armed Forces.<sup>45</sup> An estimated several thousand transgender men also serve on active duty in the Armed Forces and in the Reserve Components, in addition to non-binary members and those who identify with a different gender.<sup>6</sup> Moreover, 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 service members - and Black, Indigenous, and people of color, immigrants, young people, people with disabilities, the LGBTQI+ community, and those living in rural and other medically underserved areas. For some service members, the harm of these restrictions are compounded by other health care challenges, including transgender service members who live in states where lawmakers have attacked access to gender-affirming care. No one, including any service member or dependent, should be denied access to the care that they need.

As you negotiate the FY 2023 NDAA, we ask that you remain steadfast in your commitment to the health and rights of service members and their loved ones. Congress should put people's health, safety, and real-life needs first. We are facing a range of attempts to restrict critical health care, including abortion and gender-affirming care. We urge you to strongly push back against harmful actions that threaten people's access to essential health care. Any future policies and legislation, including the final FY 2023 NDAA, must honor the right of service members and military families to obtain the care they need.

Sincerely,

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<sup>2</sup> According to RAND, "Many of the states that have instituted a ban or severe restrictions (or are poised to do so in the near future) are home to large military installations, including Texas, Georgia, Florida, Oklahoma, South Carolina, and Arizona. Other states, such as North Carolina and Virginia, also have large active-duty populations and are considering changes to their abortion statutes." See,

[https://www.rand.org/content/dam/rand/pubs/perspectives/PEA2200/PEA2227-1/RAND\\_PEA2227-1.pdf](https://www.rand.org/content/dam/rand/pubs/perspectives/PEA2200/PEA2227-1/RAND_PEA2227-1.pdf)

<sup>3</sup> "Interstate Abortion Travel Is Already Straining Parts of the System." New York Times, 23 Jul 2022.

<https://www.nytimes.com/2022/07/23/upshot/abortion-interstate-travel-appointments.html>

<sup>4</sup> *2020 DEMOGRAPHICS PROFILE ACTIVE DUTY MEMBERS*, Department of Defense.

<https://download.militaryonesource.mil/12038/MOS/Infographic/2020-demographics-active-duty-members.pdf>

<sup>5</sup> Per the Congressional Research Service and Department of Defense:

<https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports>

<sup>6</sup> S.1238, 117th Cong. (2021).

Advocates for Youth

AIDS United

American College of Obstetricians and Gynecologists

American Humanist Association

American Medical Student Association

American Society for Reproductive Medicine

Center for Reproductive Rights

Cincinnati Physicians for Change

Combat Sexual Assault

CommonDefense.us

Guttmacher Institute

Ipas

Jewish Women International

Military & Veteran Women's Coalition

Minority Veterans of America

NARAL Pro-Choice America

National Council of Jewish Women

National Family Planning & Reproductive Health Association

National Partnership for Women & Families

National Women's Law Center

Never Alone Advocacy

Ohio Physicians for Reproductive Rights

Operation Liberty

People For the American Way  
Physicians for Reproductive Health  
Planned Parenthood Federation of America  
Population Institute  
Power to Decide  
Protect Our Defenders  
Recovering Your Soul  
RootsAction.org  
Service Employees International Union (SEIU)  
Service Women's Action Network  
Society for Maternal-Fetal Medicine  
The National Domestic Violence Hotline  
Union for Reform Judaism  
Vet Voice Foundation  
Veteran Legislative Voice  
VoteVets  
Women of Reform Judaism

CC:

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Senator Jeanne Shaheen

Representative Rick Larsen

Senator Kirsten E. Gillibrand

Representative Jim Cooper

Senator Richard Blumenthal

Representative Joe Courtney

Senator Mazie K. Hirono

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