

118TH CONGRESS  
1ST SESSION

# H. R. 6357

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2023

Ms. SHERRILL (for herself, Ms. HOULAHAN, Ms. ESCOBAR, Mr. CROW, Mr. SMITH of Washington, Mr. COURTNEY, Mr. GARAMENDI, Mr. NORCROSS, Mr. GALLEGO, Mr. MOULTON, Mr. CARBAJAL, Mr. KHANNA, Mr. KEATING, Mr. KIM of New Jersey, Ms. SLOTKIN, Mr. GOLDEN of Maine, Ms. JACOBS, Ms. STRICKLAND, Mr. RYAN, Mr. JACKSON of North Carolina, Mr. VASQUEZ, Mr. DELUZIO, Ms. TOKUDA, Ms. MCCLELLAN, Ms. SEWELL, Mr. HORSFORD, and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Armed Services

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## 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 have moved 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, which can greatly affect their bodily au-  
14          tonomy, financial stability, and overall well-being.

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

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

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

1 access the care they need. The decision to terminate  
2 a pregnancy should not depend on the discretion or  
3 judgment of a military commander.

4 (6) The Secretary of Defense has recognized  
5 that abortion is a time sensitive-procedure and ac-  
6 cess should not be delayed for members or military  
7 families.

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

13 (8) Commanders or approval authorities have a  
14 duty to display objectivity, compassion, and discre-  
15 tion when addressing all health care matters, includ-  
16 ing reproductive health care matters, and to enforce  
17 existing policies against discrimination and retalia-  
18 tion.

19 (9) The harms of abortion-specific restrictions  
20 fall most heavily on people who already face barriers  
21 to accessing health care including people with low in-  
22 comes, such as junior members, and Black, Indige-  
23 nous, and people of color, immigrants, young people,  
24 people with disabilities, the LGBTQI+ community,

1 and those stationed in rural and other medically un-  
2 derserved areas.

3 (10) Equal access to abortion care, everywhere,  
4 is essential to social and economic participation,  
5 equality, reproductive autonomy, and the right to de-  
6 termine a person's own life and future.

7 (11) The denial of leave for an abortion or any  
8 other reproductive health service violates the rights  
9 of members of the Armed Forces. Access to care for  
10 military families should not be determined by the  
11 personal beliefs of others.

12 (12) In addition to the health and well-being  
13 implications for members of the Armed Forces and  
14 their families, the failure to address these issues will  
15 contribute to the challenges that the Armed Forces  
16 faces in attracting and retaining personnel, thereby  
17 negatively affecting military strength and readiness.

18 **SEC. 3. LEAVE FOR A MEMBER OF THE ARMED FORCES FOR**

19 **ABORTION.**

20 (a) IN GENERAL.—The Secretary concerned (as such  
21 term is defined in section 101 of title 10, United States  
22 Code) shall, with regards to abortion care for a member  
23 of the Armed Forces or the dependent of such a member—

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

1           (2) not require the member or dependent to dis-  
2           close to a commanding officer the time-sensitive care  
3           or procedure being received during such leave.

4           (b) REIMBURSEMENT FOR TRAVEL.—The Secretary  
5           concerned shall reimburse a member or dependent of a  
6           member for costs incurred to travel to a clinic that pro-  
7           vides abortion care and services if timely access to abor-  
8           tion services is not available near the member or depend-  
9           ent’s location.

10          (c) PRIVACY.—Health care providers of the Defense  
11          Health Agency and commanding officers shall, to the  
12          greatest extent practicable, protect the privacy of a mem-  
13          ber who takes leave under this section, including when  
14          such member makes a request for such leave and when  
15          such member returns to duty.

16          (d) PROHIBITION.—No member of the Armed Forces  
17          may be subject to any adverse action for requesting, tak-  
18          ing, or granting leave under this section.

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