To authorize administrative absences and travel and transportation allowances for members of the Armed Forces to travel to obtain reproductive health care.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on __________________

A BILL

To authorize administrative absences and travel and transportation allowances for members of the Armed Forces to travel to obtain reproductive health care.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Service Members and Military Families’ Access to Reproductive Care Act of 2023”.

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SEC. 2. AUTHORIZATION OF ADMINISTRATIVE ABSENCES AND TRAVEL AND TRANSPORTATION ALLOWANCES FOR REPRODUCTIVE HEALTH CARE.

(a) LEAVES OF ABSENCE.—

(1) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 708 the following new section:

§ 708a. Reproductive health administrative absence

“(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, the Secretary shall grant an administrative absence to a member of the armed forces who requests such an absence—

“(1) to receive non-covered reproductive health care; or

“(2) to accompany a spouse or other dependent who receives non-covered reproductive health care.

“(b) DURATION.—An administrative absence granted under subsection (a) pursuant to a request made under that subsection may extend for a period of not more than 21 days for each such request.

“(c) REQUIREMENTS FOR REGULATIONS.—The regulations prescribed under subsection (a) shall provide that—

“(1) no additional requirement, including consultations with a chaplain, medical testing, or any other form of counseling, may be imposed on a
member requesting an administrative absence under subsection (a) by the Secretary or the commander or other approval authority of the member; and

“(2) the Secretary and the commander or other approval authority of a member shall prioritize the privacy of the member (and the spouse or other dependent of the member, if applicable), consistent with applicable statutes and regulations governing protected medical information.

“(d) Non-covered Reproductive Health Care Defined.—In this section, the term ‘non-covered reproductive health care’ means reproductive health care not authorized to be performed at a medical treatment facility or other facility of the Department of Defense consistent with Federal law, including—

“(1) an abortion; or

“(2) assisted reproductive technology, including—

“(A) ovarian stimulation and egg retrieval, including any needed medications and procedures required for retrieval, processing, and utilization of an egg for assisted reproductive technology or cryopreservation;
“(B) sperm collection and processing for assisted reproductive technology or cryopreservation;

“(C) intrauterine insemination; and

“(D) in vitro fertilization, including—

“(i) in vitro fertilization with fresh embryo transfer;

“(ii) gamete intrafallopian transfer;

“(iii) zygote intrafollopian transfer;

“(iv) pronuclear stage tubal transfer;

“(v) tubal embryo transfer; and

“(vi) frozen embryo transfer.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 708 the following new item:

“708a. Reproductive health administrative absence.”.

(b) AUTHORIZATION OF TRAVEL AND TRANSPORTATION ALLOWANCES.—Section 452(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(24) Travel by a member or a dependent to receive non-covered reproductive health care (as defined in section 708a(d) of title 10), including an abortion and assisted reproductive technology.”.
(c) Rule of Construction.—Nothing in this section or an amendment made by this section may be construed to restrict or deprive a member of the Armed Forces from accessing or being granted convalescent leave consistent with section 701 of title 10, United States Code.