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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

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February 23, 2023

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301

Dear Secretary Austin:

We are writing to express our grave concerns that once again the Department of Defense (DOD) is being used as a political tool by the Biden administration to placate the far left. This time, it's to implement pro-abortion travel policies in contravention of decades of settled law prohibiting federal funding of elective abortions.

DOD's new Memorandum entitled, "Administrative Absence for Non-Covered Reproductive Health Care," and related documents (DOD abortion travel policies) issued on February 16, 2023, by Gilbert R. Cisneros, Jr., Under Secretary of Defense for Personnel and Readiness, outline DOD's decision to authorize service members and their families to receive paid administrative leave and travel reimbursement to obtain out-of-state elective abortions. This new directive is a clear violation of the legislative intent expressed in 10 U.S.C. §1093 and related legislation. This poorly drafted set of policies also creates a potential web of federally-sanctioned violations of state laws, particularly with regard to access to abortion services by dependent children.

Members of this Committee are committed to ensuring that service members receive the best health care possible, but paying for travel and leave to terminate pregnancies is not healthcare. Rather, it is redirection of American taxpayer dollars for impermissible purposes.

Last year, then-Ranking Member Rogers transmitted to DOD a documents and communications preservation request for all relevant DOD material associated with DOD abortion travel policies, procedures, and practices.¹ Pursuant to both that letter and this correspondence, please provide to the Committee, no later than March 7, 2023, the following

¹ Letter from Ranking Member Rogers to Secretary Austin, Nov. 7, 2022.

information related to the impact of the recently propounded DOD abortion travel policies as articulated in documents signed by Under Secretary of Defense Gilbert R. Cisneros, Jr. on Feb. 16, 2023 and any successor or related documents:

- 1) Any analysis performed on the impact to readiness of the armed services resulting in the non-deployability of service members or family who would seek abortions under these policies;
- 2) Any legal analysis performed by DOD's Office of the General Counsel related to the legality of pursuing the newly announced policies for service members vis-à-vis current federal law, including restrictions on using taxpayer funds toward abortions;
- 3) Any DOD analysis conducted on the total annual cost of offering paid travel and administrative leave for service members to obtain abortions;
- 4) Whether the DOD abortion travel policies will cover travel and administrative leave for parents or guardians to accompany minors to obtain abortions or to procure abortions for minors under their care;
- 5) Whether and how the DOD abortion travel policies will ensure compliance with relevant state laws, including those requiring the consent and or notification of one or both parents or legal guardians, state laws requiring counseling or presentation of alternatives prior to an abortion, state mandated waiting periods prior to an abortion, or any other relevant state law prior to approving a military dependent's abortion procedure;
- 6) Whether the DOD abortion travel policies imposes any gestational limitations on "non-covered reproductive health care;"
- 7) Whether the DOD abortion travel policies covers paid travel and administrative leave for service members or their families stationed overseas;
- 8) Any DOD analysis concerning the cost of continuing post-abortion mental health care and counseling for service members who obtain or are affected by termination of their or their family members' pregnancies;
- 9) Any comments or objections from within DOD expressing concerns on conscience, moral, or religious grounds for enforcing the DOD abortion travel policies;
- 10) Any exemptions offered to DOD personnel forced to implement the DOD abortion travel policies, including protections offered for conscience, moral, and religious reasons against authorizing abortion travel for service members under their command;

- 11) Whether the upcoming Biden Administration's Fiscal Year 2024 budget will propose any new funds for implementation of the DOD abortion travel policies; and,
- 12) All DOD documents and communications emanating from or directed to the White House or elsewhere in the Biden Administration concerning planning, imposition, and implementation of the new DOD abortion travel policies.

Members of this Committee have stressed that any decision by the Biden Administration to use the military as an experiment to extend its pro-abortion agenda would receive immediate rebuke. The Administration has chosen to ignore our concerns by issuing new DOD abortion travel policies that will only serve to negatively affect the readiness of our service members, put those in leadership positions who oppose abortion in a moral quandary, and impose significant financial costs on the armed services and by extension, U.S. taxpayers.

Thank you for your immediate attention to this request. To arrange delivery of documents or ask any related follow-up questions, please contact Ryan Breitenbach of the Committee on Armed Services Majority Staff.

Sincerely,



Mike Rogers
Chairman
House Armed Services Committee



Rep. Joe Wilson



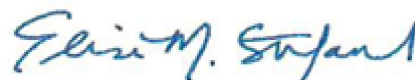
Rep. Doug Lamborn



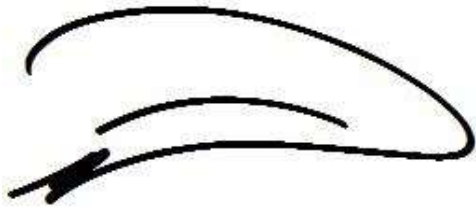
Rep. Robert J. Wittman



Rep. Austin Scott



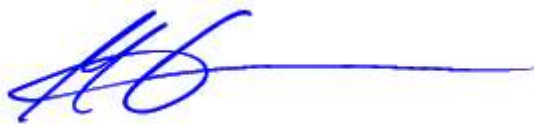
Rep. Elise Stefanik



Rep. Scott DesJarlais, M.D.



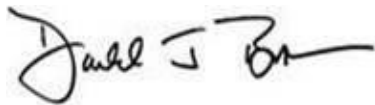
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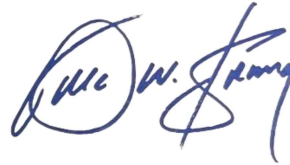
Rep. Carlos Gimenez



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Rep. Brad Finstad



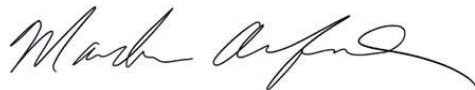
Rep. Dale Strong



Rep. Morgan Luttrell



Rep. Jim Moylan



Rep. Mark Alford



Rep. Cory Mills



Rep. Rich McCormick, M.D.



Rep. Stephanie Bice



Rep. Sam Graves

cc: The Honorable Adam Smith, Ranking Member
Committee on Armed Services