

118TH CONGRESS
1ST SESSION

S. 1610

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

MAY 16, 2023

Mrs. SHAHEEN (for herself, Ms. HIRONO, Mr. BLUMENTHAL, Mr. FETTERMAN, Mrs. GILLIBRAND, Mr. KING, Mr. HICKENLOOPER, Mr. CARDIN, Ms. WARREN, Ms. BALDWIN, Ms. DUCKWORTH, Mr. WELCH, Mr. WYDEN, Mr. SANDERS, Mr. CARPER, Mrs. MURRAY, Mr. BOOKER, Mr. BENNET, Mr. KELLY, Ms. KLOBUCHAR, Mrs. FEINSTEIN, Mr. BROWN, Ms. ROSEN, Mr. MARKEY, Mr. DURBIN, Ms. SMITH, Mr. WHITEHOUSE, Mr. HEINRICH, Ms. CANTWELL, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

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

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 “Protecting Service
5 Members and Military Families’ Access to Reproductive
6 Care Act of 2023”.

1 **SEC. 2. AUTHORIZATION OF ADMINISTRATIVE ABSENCES**
2 **AND TRAVEL AND TRANSPORTATION ALLOW-**
3 **ANCES FOR REPRODUCTIVE HEALTH CARE.**

4 (a) LEAVES OF ABSENCE.—

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

8 **“§ 708a. Reproductive health administrative absence**

9 “(a) IN GENERAL.—Under such regulations as the
10 Secretary of Defense may prescribe, the Secretary shall
11 grant an administrative absence to a member of the
12 Armed Forces who requests such an absence—

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

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

17 “(b) DURATION.—An administrative absence granted
18 under subsection (a) pursuant to a request made under
19 that subsection may extend for a period of not more than
20 21 days for each such request.

21 “(c) REQUIREMENTS FOR REGULATIONS.—The regu-
22 lations prescribed under subsection (a) shall provide
23 that—

24 “(1) no additional requirement, including con-
25 sultations with a chaplain, medical testing, or any
26 other form of counseling, may be imposed on a

1 member requesting an administrative absence under
2 subsection (a) by the Secretary or the commander or
3 other approval authority of the member; and

4 “(2) the Secretary and the commander or other
5 approval authority of a member shall prioritize the
6 privacy of the member (and the spouse or other de-
7 pendent of the member, if applicable), consistent
8 with applicable statutes and regulations governing
9 protected medical information.

10 “(d) NON-COVERED REPRODUCTIVE HEALTH CARE
11 DEFINED.—In this section, the term ‘non-covered repro-
12 ductive health care’ means reproductive health care not
13 authorized to be performed at a medical treatment facility
14 or other facility of the Department of Defense consistent
15 with Federal law, including—

16 “(1) an abortion; or

17 “(2) assisted reproductive technology, includ-
18 ing—

19 “(A) ovarian stimulation and egg retrieval,
20 including any needed medications and proce-
21 dures required for retrieval, processing, and uti-
22 lization of an egg for assisted reproductive tech-
23 nology or cryopreservation;

1 “(B) sperm collection and processing for
2 assisted reproductive technology or
3 cryopreservation;

4 “(C) intrauterine insemination; and

5 “(D) in vitro fertilization, including—

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

8 “(ii) gamete intrafallopian transfer;

9 “(iii) zygote intrafallopian transfer;

10 “(iv) pronuclear stage tubal transfer;

11 “(v) tubal embryo transfer; and

12 “(vi) frozen embryo transfer.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 40 of such title is
15 amended by inserting after the item relating to sec-
16 tion 708 the following new item:

“708a. Reproductive health administrative absence.”.

17 (b) AUTHORIZATION OF TRAVEL AND TRANSPOR-
18 TATION ALLOWANCES.—Section 452(b) of title 37, United
19 States Code, is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(24) Travel by a member or a dependent to re-
22 ceive non-covered reproductive health care (as de-
23 fined in section 708a(d) of title 10), including an
24 abortion and assisted reproductive technology.”.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion or an amendment made by this section may be con-
3 strued to restrict or deprive a member of the Armed
4 Forces from accessing or being granted convalescent leave
5 consistent with section 701 of title 10, United States
6 Code.

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