



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111

INFORMATION PAPER

SAMR-MPQ
26 Apr 23

SUBJECT: Information Paper on Pregnancy in the Military: Ensuring Access to Reproductive Health Care

Purpose: Provide a written response to the Defense Advisory Committee on Women in Service June 2023 Request For Information Number 7 on Pregnancy in the Military: Ensuring Access to Reproductive Health Care.

1. **Background:** In October 2022, Secretary Austin published a memorandum entitled, "Ensuring Access to Reproductive Health Care," which directed that policy be developed to allow for administrative absences for non-covered reproductive health care, to establish travel and transportation allowances to facilitate official travel to access non-covered reproductive health care, and to extend command notifications of pregnancy to 20-weeks unless specific circumstances require earlier reporting. The Committee would like to understand how these policies are being implemented.

2. **Discussion:** The Committee requests a written response from the Army, Navy, Marine Corps, Department of the Air Force, and Coast Guard, regarding implementation of the SecDef memorandum. Please provide the following:

a. Question 7a: What guidance and directives have been published to implement the SecDef's directives? Are those policies now in effect? If not, when?

b. Response 7a: On 27 Feb 23, the Army published two Army Directives (AD) and a SecArmy guidance memorandum for ensuring access to reproductive health care. The ADs establish policy for Administrative Absence for Non-Covered Reproductive Health Care and Command Notification of Pregnancy, respectively. The SecArmy guidance memorandum authorizes Travel and Transportation in accordance with the Joint Travel Regulations set by OSD. The Army established an administrative absence option within IPPS-A.

c. Question 7b: Provide copies or links to all relevant publications.

d. Response 7b: Please use the following links to access applicable policies:

(1) AD 2023-05 Administrative Absence for Non-Covered Reproductive Health Care: https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUB_ID=1026582

(2) AD 2023-04 Command Notification of Pregnancy:
https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN37643-ARMY_DIR_2023-04-000-WEB-1.pdf

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(3) SecArmy Memo Travel and Transportation for Non-Covered Reproductive Health Care: https://armypubs.army.mil/epubs/DR_pubs/DR_a/NOCASE-POG_214667-000-WEB-1.pdf

e. Question 7c: Who/what position is the approval authority for granting non-covered administrative leave requests?

f. Response 7c: Company-level, or equivalent, commanders may approve a non-covered administrative absence.

g. Question 7d: What is the process or appeal mechanism for non-covered administrative leave requests which are disapproved? May the servicewoman appeal the disapproval? Is it a mandatory or discretionary appeal? Who/what position is the appeal authority and is there a minimum grade requirement?

h. Response 7d: The Army does not use the term “appeal” within the AD but there is a higher level of review. If the company-level or equivalent commander does not approve the request, it will be forwarded to the brigade-level commander, or equivalent, for a decision. Additionally, if the brigade-level commander disapproves the request, the Soldier can file an Article 138 complaint, which operates like an appeal to the GCMCA if the commander does not provide redress.

i. Question 7e: What are the published criteria and guidance defining whether and when a commander may disapprove a non-covered administrative leave request, and how does a commander document those reasons? Is a narrative reason required or just a “check the box” tick mark?

j. Response 7e: The authority to disapprove a request for an administrative absence is withheld to brigade-level, or equivalent, commanders with a servicing legal advisor. Documentation for the disapproval will be noted within IPPS-A.

k. Question 7f: How have servicewomen been made aware of the new policies regarding non-covered administrative leave requests, travel and transportation allowances, and delayed pregnancy notification policy provisions?

l. Response 7f: The policies were distributed via an INFORM ONLY tasker and FAQs were posted on the Human Resource Command’s website/S1 Net. Additionally, an article was released via army.mil.

Approved by:
Deputy Assistant Secretary of the Army
(Military Personnel/Quality of Life)



SECRETARY OF THE ARMY
WASHINGTON

27 FEB 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Travel and Transportation for Non-covered Reproductive Health Care

1. Reference Department of Defense (DoD) (Joint Travel Regulations (JTR)), 16 February 2023, paragraph 033013.
2. Purpose. To announce JTR changes that allow travel and transportation for non-covered reproductive health care. See the enclosure for definitions of terms used in DoD's guidance.
3. Pursuant to JTR paragraph 033013, Soldiers of the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve may be eligible for travel benefits as outlined to meet the following DoD policy objectives:
 - a. Soldiers will be able to access lawfully available non-covered reproductive health care regardless of where they are stationed.
 - b. Commanders and approval authorities have the responsibility to meet operational requirements and protect the health and safety of those in their care. Commanders will exercise objectivity, compassion, and discretion when addressing all healthcare matters, including reproductive healthcare matters, and have a duty to enforce existing policies against discrimination and retaliation in the context of reproductive healthcare choices.
 - c. Consistent with existing law and Army policy, commanders and approval authorities will protect the privacy of protected health information they receive under this policy. Such healthcare information will be restricted to personnel with a specific need to know. That is, access to the information must be necessary for the conduct of official duties. Personnel will also be accountable for safeguarding this healthcare information consistent with existing law and Army policy.
 - d. Soldiers will not be granted travel and transportation allowances if their intention is to sell, to offer for sale, or to receive proceeds from a sale resulting from an assisted reproductive technology (ART) procedure.
4. Eligibility. Soldiers and authorized dependents are eligible for travel and transportation allowances in chapter 2 of the JTR to receive non-covered reproductive healthcare services when timely access to non-covered reproductive healthcare services is not available within the local area of the member's permanent duty station (PDS),

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temporary duty (TDY) location, or the last location the dependent was transported on government orders when authorized by the appropriate authority.

a. Non-Covered Abortion. Travel and transportation allowances for Soldiers (defined as Active Duty Soldiers, Reserve Component Soldiers on active duty orders for more than 30 consecutive days, and Academy Cadets) and dependents of such Soldiers receiving care may be authorized when a licensed medical provider has validated the pregnancy and substantiating documentation is provided.

b. Non-covered Assisted Reproductive Technology. Travel and transportation allowances for Soldiers (defined as Active Duty Soldiers and Reserve Component Soldiers on active duty orders for at least 180 days) and spouses of such Soldiers receiving care may be authorized when the non-covered ART procedure is documented by the licensed healthcare provider or clinic that will be performing the ART services. Substantiating documentation provided by the traveler to the approving official (AO) will include details of the procedures to be performed, dates of consultation appointments and/or procedures, and any of the following additional information: identification of a treatment plan schedule, medical diagnosis, and patient names to verify eligibility.

c. Location. The Soldier or dependent will certify, in writing, the location of the closest available, capable medical facility for the non-covered reproductive healthcare service. Certification should be provided to the traveler's AO in advance of travel.

(1) For a non-covered abortion, the determination of the closest capable clinic, office, or medical facility must consider the availability of the time-sensitive procedure as a factor for the determination.

(2) When a Soldier or dependent uses a location other than the certified, closest-available, capable medical facility, a cost comparison will be performed to determine reimbursement. In this situation, the certification must provide details on both the closest facility and the facility to be used.

(3) If a different location is used for the non-covered abortion or ART procedure, travel reimbursement is limited to the cost to travel to the closest-available medical facility. The transportation cost is compared to the constructed cost of transportation to the authorized location, and the lesser of the two amounts is reimbursed. The per diem is limited to the lesser of the costs that would have been incurred for travel to the authorized location, or the amount listed in JTR paragraph 033013-B.

5. Allowances.

a. The Soldier is authorized the standard travel and transportation allowances in JTR paragraph 033001.

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b. An invitational travel authorization (ITA) will be used to reimburse travel and transportation expenses for an authorized dependent and must be issued judiciously to ensure prudent, proper, and ethical use of appropriated funds. See section 0305 of the JTR for additional details. An eligible dependent may be authorized:

(1) the actual cost of lodging (including tax, tips, and service charges) limited to the lodging portion of the locality per diem rate at the non-covered reproductive healthcare service care location

(2) the actual cost of meals (including taxes and tips, but excluding alcoholic beverages) and incidental expenses, limited to the maximum meal rate and incidental expenses (M&IE) portion of the locality per diem rate at the non-covered reproductive healthcare service care location

(3) round-trip transportation between the member's PDS or the last location the dependent was transported on Government orders and the non-covered reproductive healthcare service care location

6. Attendant or Escort. If a Soldier or dependent is incapable of traveling alone, standard travel and transportation allowances in chapter 2 of the JTR are authorized for one or more necessary escorts. An attendant may also be authorized round-trip travel and transportation allowances if required. The authorization for an attendant or escort will be cited on the travel authorization.

a. An attendant or escort is authorized the standard travel and transportation allowances in chapter 2 of the JTR.

b. A Soldier or Civilian employee serving as an attendant or escort travels under a TDY order.

c. A non-government civilian serving as an attendant or escort will be issued an ITA and will be legitimately performing a direct service for the Government. See section 0305 of the JTR for additional details.

7. Accompanying Dependent.

a. The AO may authorize an accompanying dependent who is neither attendant nor escort if all of the following conditions apply:

(1) The accompanying dependent is a command-sponsored dependent at the PDS OCONUS and incapable of self-support.

(2) No suitable care arrangements can be made at the PDS.

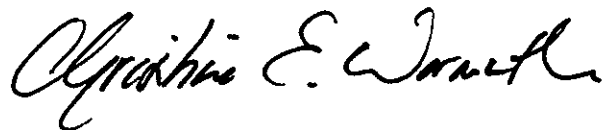
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(3) The travel is in the Government's interest.

b. An accompanying dependent is limited to round-trip transportation between the member's PDS or the last location the dependent was transported on government orders and the non-covered reproductive healthcare service care location.

c. No per diem is payable, and any further travel costs are the financial responsibility of the Soldier.

d. This authority should be used as a last resort.



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Encl

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