

INFORMATION PAPER

Subj: DACOWITS RETENTION INITIATIVES FOR SERVICEWOMEN; REQUESTS FOR INFORMATION (RFI)

Ref: (a) DACOWITS RFIs for September 2022

1. Purpose. Per the reference, the following responses are provided, specifically for RFI #15 (Pregnancy in the Military).

2. **RFI #15**. In the wake of the Supreme Court decision regarding *Dobbs v Jackson*, many of the restrictive states with trigger laws also have large military populations. Subsequently, Servicewomen stationed in these restrictive states who seek medical or surgical abortion will need to take leave and travel to states where it remains legal.

a. How are the Military Services assuring Servicewomen's privacy and confidentiality are maintained while leave requests are routed through various levels within the Servicewomen's chain of command? Additionally, are the Military Services preserving records (e.g. leave requests, electronic messages, etc.) that could potentially be used against Servicewomen in states that criminalize abortion?

**Response:** Existing Department policy authorizes active duty Service members to travel as necessary to receive abortion care – either as government-funded, official travel for a covered abortion, or at the Service member's own expense on regular leave for all other cases. A Service member does not need to be in a leave or liberty status in order to receive a covered abortion. Service members on Active Duty may be granted regular leave or special liberty in order to receive a non-covered abortion. Special liberty, however, would be limited to no more than four days. Service members on Active Duty requesting regular leave or special liberty to receive a non-covered abortion would use their Military Service's normal procedures to request the leave or liberty.

DoD-level leave and liberty policies do not require Service members to share the specific reason they are requesting regular leave or special liberty. However, inherent in the authority and responsibilities conferred upon a unit commander is the commander's discretionary authority to grant or deny leave or special liberty. In exercising their discretion, unit commanders are expected to consider the health and welfare, morale, and needs of individual Service members requesting leave (or special liberty), as well as the commander's responsibilities in maintaining the readiness and good order and discipline of his or her unit. Thus, Service members may be required to disclose the minimum amount of information necessary regarding the purpose of the requested regular leave or special liberty to allow the unit commander to make an informed decision on whether to grant the leave or special liberty.

With respect to records, the Navy and Marine Corps continue to follow records management regulations.