

SUBJ: DACOWITS RFI 15 – September 2022 QBM

FROM: Office of Diversity & Inclusion (CG-127)

TO: DACOWITS Committee

PREGNANCY IN THE MILITARY

In accordance with DACOWITS' Terms of Reference, the Well-Being and Treatment (WB&T) Subcommittee will determine if there are gaps in institutional policies and procedures that obstruct pregnant servicewomen from progressing in their military career and recommend policy changes.

DACOWITS: The Committee understands that the Defense Department will continue to ensure that servicewomen have access to reproductive health care in the wake of the Supreme Court decision to overturn *Roe v. Wade* (known as *Dobbs v. Jackson*), which ended constitutional protections for abortion. As the Defense Department continues to examine this Supreme Court decision and evaluate policies to ensure Service members, dependents, beneficiaries, and Defense Department civilian employees are provided seamless access to essential women's health care services, as permitted by federal law, the Committee is concerned about potential impacts to servicewomen.

The Committee requests a **written response** from the **Department of Defense (via the organizations annotated below)** on the following:

- a. **Military Services:** With the repeal, many of the restrictive states with trigger laws also have large military populations. Subsequently, servicewomen stationed in these restrictive states who seek a medical or surgical abortion will need to take leave and travel to states where it remains legal. 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?

CG Response:

- a. **Military Services:** With the repeal, many of the restrictive states with trigger laws also have large military populations. Subsequently, servicewomen stationed in these restrictive states who seek a medical or surgical abortion will need to take leave and travel to states where it remains legal. 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?

Coast Guard leave and liberty policies do not require service members to share the specific reason they are requesting regular leave or special liberty. Leave requests are routed electronically through the web-based Direct Access system. 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, 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.

Electronic records of all leave requests, email traffic, and medical records are kept. The Coast Guard, in coordination with DoD and other governing entities, is researching how we can support members who need to obtain medical services outside of their current duty station without criminally implicating Coast Guard members and health care providers.