



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JUN 28 2022

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Ensuring Access to Essential Women's Health Care Services for Service Members, Dependents, Beneficiaries, and Department of Defense Civilian Employees

On Friday, the Supreme Court issued its opinion in *Dobbs v. Jackson Women's Health Organization*. This decision will have significant implications for our Service members, dependents, other beneficiaries of DoD health care services, and civilian employees, as well as the readiness of the Force. As Secretary Austin has made clear, nothing is more important than the health and well-being of our Service members, the civilian workforce, and DoD families, and we are committed to taking care of all of our people and ensuring that the entire Force remains ready and resilient.

Federal law restricts the Department from performing abortions or paying to have them performed unless the life of the mother would be endangered if the fetus were carried to term, or unless the pregnancy is the result of rape or incest ("covered abortions").

The Supreme Court's decision does not prohibit the Department from continuing to perform covered abortions, consistent with federal law. There will be no interruption to this care. Health care providers will continue to follow existing departmental policy, and the leadership of military medical treatment facilities will implement measures to ensure continued access to care. It is the Department of Justice's longstanding position that States generally may not impose criminal or civil liability on federal employees who perform their duties in a manner authorized by federal law. We will work with the Department of Justice to ensure access to counsel for such civilian employees and Service members if needed and as appropriate.

The Supreme Court's decision also does not affect the Department's leave policies. 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. Access to emergency or convalescent leave remains unchanged for all Service members. DoD civilian employees may continue to request sick leave and other forms of leave as necessary to meet the health care needs of the employee and his or her family members. Sick leave may be used to cover travel that is necessary to obtain any type of medical treatment.

The implications of the Supreme Court's decision are complicated and must be evaluated against various state laws, together with the views of the Department of Justice. We are reviewing our current policies and procedures and, along with the Secretaries of the Military Departments and the DoD Office of General Counsel, will assess the impact of DoD policies and

State laws triggered by the *Dobbs* ruling on DoD personnel and beneficiaries. We will issue additional guidance as appropriate.

As always, we will take every action within our authority to ensure the safety and health of each and every member of our team.

A handwritten signature in black ink, appearing to read "Gilbert R. Cisneros, Jr.", written in a cursive style.

Gilbert R. Cisneros, Jr.