

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide for leave relating to abortion care and services for members of the Armed Forces.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**S. 4543**

To authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. SHAHEEN to the amendment (No. 5499) proposed by Mr. REED

Viz:

1 At the end of subtitle C of title VI, add the following:

2 **SEC. 624. LEAVE RELATING TO ABORTION CARE AND SERV-**

3 **ICES FOR MEMBERS OF ARMED FORCES.**

4 (a) IN GENERAL.—Section 701 of title 10, United  
5 States Code, as amended by section 623(a), is further  
6 amended by adding at the end the following new sub-  
7 section:

8 “(n)(1)(A) Under regulations prescribed by the Sec-  
9 retary of Defense, a member of the armed forces who

1 seeks abortion care and services is allowed convalescent  
2 leave.

3 “(B) Convalescent leave under subparagraph (A)  
4 shall, not later than 5 days after receiving a request for  
5 such leave, be approved by—

6 “(i) the military medical health provider of the  
7 member; or

8 “(ii) the commander of the military medical  
9 treatment facility or a designee of that commander.

10 “(C) Convalescent leave of a member under subpara-  
11 graph (A) shall be approved for a period of—

12 “(i) 10 days, in the case of a member assigned  
13 to a duty location in the continental United States;  
14 and

15 “(ii) 20 days, in the case of a member assigned  
16 to a duty location outside the continental United  
17 States.

18 “(D) Under regulations prescribed by the Secretary  
19 of Defense, a member taking convalescent leave under  
20 subparagraph (A) who is required to travel more than 50  
21 miles from the member’s assigned duty location to seek  
22 abortion care and services—

23 “(i) shall be entitled to standard travel and  
24 transportation allowances in accordance with chapter  
25 8 of title 37; and

1           “(ii) may not receive per diem or reimburse-  
2           ment of expenses, to the extent prohibited by Fed-  
3           eral law.

4           “(E) The applicable approval authority under clause  
5 (i) or (ii) of subparagraph (B)—

6           “(i) shall notify the commanding officer of the  
7           member taking convalescent leave under subpara-  
8           graph (A) with respect to—

9           “(I) expected absences of the member; and

10           “(II) changes in the physical profile of the  
11           member that would impact the member’s fitness  
12           for duty; and

13           “(ii) may not be required to disclose the specific  
14           medical condition from which the member is conva-  
15           lescing.

16           “(F) Convalescent leave of a member seeking abor-  
17           tion care and services that is in addition to the conva-  
18           scent leave provided under subparagraph (A) shall be pro-  
19           vided under the procedures established for convalescent  
20           leave under subsection (m).

21           “(2)(A) Under regulations prescribed by the Sec-  
22           retary of Defense, the Secretary concerned shall grant a  
23           member of the armed forces leave to provide care to an  
24           immediate family member who seeks abortion care and  
25           services.

1           “(B) Not later than 5 days after receiving a request  
2 from a member to take leave under subparagraph (A), the  
3 appropriate approval authority of the member shall ap-  
4 prove the request, consistent with the regulations pre-  
5 scribed under subparagraph (A).

6           “(C) Leave under subparagraph (A) shall be ap-  
7 proved for a period of 10 consecutive days.

8           “(3) A member taking leave under paragraph (1) or  
9 (2) shall not have the member’s leave account reduced as  
10 a result of taking such leave.

11          “(4) A member may elect to take fewer days of leave  
12 than is provided for under paragraph (1) or (2), as appli-  
13 cable.

14          “(5) A member taking leave under paragraph (1) or  
15 (2) may not be required to disclose specifics relating to  
16 the abortion care and services that are the basis for the  
17 leave.

18          “(6) In this subsection, the term ‘military medical  
19 treatment facility’ means a facility described in subsection  
20 (b), (c), or (d) of section 1073d.”.

21          (b) CONFORMING AMENDMENTS.—Subsection (m) of  
22 section 701 of title 10, United States Code, as added by  
23 section 623(a), is amended—

1           (1) in paragraph (1), in the matter preceding  
2           subparagraph (A), by or “or (n)(1)” after “sub-  
3           section (h)(3)”;

4           (2) in paragraph (2)(B), by striking “in con-  
5           junction with the birth of a child” and inserting “or  
6           (n)(1)”;

7           (3) in paragraph (3)(B)(ii), by inserting “or  
8           (n)(1)” after “subsection (h)(3)”.

9           (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall take effect on January 1, 2023.