

United States Senate

WASHINGTON, DC 20510

January 30, 2024

The Honorable Lloyd J. Austin III
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Austin:

The Biden administration has, regrettably, made it abundantly clear it is willing to flout longstanding federal policy to enable the use of taxpayer funds to support all aspects of an abortion but the procedure itself. As you have been repeatedly warned, your February 16, 2023, memorandum, “Ensuring Access to Reproductive Health Care,”¹ which provides federal dollars to permit administrative absence for non-covered reproductive health care and travel allowances for non-covered reproductive health care, is a blatant end-run around the Hyde Amendment and Title 10, Section 1093 of the United States Code, in order to enable the use of taxpayer dollars to support abortions. Not only is this policy a violation of the spirit of the law, it threatens to violate the sincerely held moral and religious convictions of the men and women burdened with implementing it.

Our military leaders selflessly answer the call to serve our nation, assuming great personal risk and sacrifice. Their responsibilities already require tremendous testing of the soul and spirit. It is a mistake to tax them further by compelling them to play even a perfunctory role in the Biden administration’s abortion leave and travel policy. Implementation of this ill-advised policy should fall squarely on you, and you alone.

We recently witnessed an exodus of experienced professionals from our armed forces who chose to follow their conscience when their pandemic-era religious accommodation requests were summarily rejected.² Failure to learn from such errors and honor the deeply held convictions of our servicemembers may spur more untimely separations.

We therefore write to request information on the department’s implementation of conscience protections in accordance with Section 533(a)(1) of Public Law 112-239, as amended, for any servicemembers or civilians tasked with carrying out this administration’s abortion leave and travel policy. We ask that you provide answers to the following questions within 30 days of your receipt of this letter:

1. What is the department’s process for facilitating conscience protections in relation to the abortion leave and travel policy?
2. How many individuals have sought such conscience protections or have otherwise deferred abortion leave and travel approvals up their chain of command?

¹ <https://www.defense.gov/News/Releases/Release/Article/3301006/dod-releases-policies-to-ensure-access-to-non-covered-reproductive-health-care/>


² https://media.defense.gov/2022/Sep/27/2003085909/-1/-1/1/DENIALS%20OF%20RELIGIOUS%20ACCOMMODATION_20220602_REDACTED.PDF

3. Across the department, how many individuals play a role in facilitating the approval of or disbursement of benefits under the administration's abortion leave and travel policy?
4. How many individuals must approve or otherwise facilitate leave or travel benefits for each individual case?
5. For what circumstances concerning military readiness, unit cohesion, good order and discipline, or health and safety would the department refuse accommodation for conscience protections relating to the abortion leave and travel policy, and have any such accommodations, to date, been denied?

Thank you for your swift attention to this matter.

Sincerely,


JOHN THUNE
United States Senator


CINDY HYDE-SMITH
United States Senator