

DOD Policy Changes: Reproductive Health Benefits

February 24, 2025

The Department of Defense (DOD) offers certain reproductive health services through the [Military Health System](#) and its TRICARE program to approximately 9.5 million beneficiaries comprised of servicemembers, military retirees, and their dependent family members. During the 118th Congress, [Congress considered and enacted legislation](#) relating to TRICARE coverage policies for reproductive health services and benefits to access non-covered reproductive health services. The 119th Congress may consider prior actions taken by the Biden and Trump Administrations regarding certain non-covered reproductive health benefits.

Background

By law ([10 U.S.C. §1079\(a\)\(12\)](#)), TRICARE may cover medical care—including reproductive health services—deemed by the Secretary of Defense (SECDEF) as “medically or psychologically necessary.” TRICARE currently covers

- [reproductive health screening and preventive services](#),
- [contraception services](#), and
- certain [infertility services](#).

TRICARE may not cover certain medical care prohibited in statute or regulation. For example, [10 U.S.C. §1093](#) prohibits DOD from using funds or facilities to perform an abortion unless the pregnancy resulted from rape or incest, or “the life of the mother would be endangered if the fetus were carried to term.” Federal regulations ([32 C.F.R. §199.4\(g\)\(34\)](#)) also prohibit DOD from paying for certain types of infertility services, except for [seriously ill or injured active duty servicemembers](#) and their spouses.

Active duty servicemembers may be authorized [non-chargeable leave](#) and [travel and transportation benefits](#) to defray the costs of accessing covered health care services that is not available in the local geographic area. [TRICARE Prime](#)-enrolled beneficiaries may also be authorized similar benefits through the [Prime Travel Benefit](#).

In situations where non-chargeable leave is not authorized, servicemembers may use [chargeable leave](#). Beneficiaries are liable for medical and travel expenses associated with accessing non-covered health

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care, including non-covered abortions or lawfully available assisted reproductive technology (ART) services.

DOD Policy Changes on Accessing Non-Covered Reproductive Health Care

Biden Administration Policy Changes

After the U.S. Supreme Court issued its decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade*, the Under Secretary of Defense for Personnel and Readiness published a [June 28, 2022, memorandum](#) describing DOD's review of the potential impact of the *Dobbs* decision on DOD policies, personnel, beneficiaries, and potential effects on maintaining a "ready and resilient" force.

On October 3, 2022, the [Department of Justice's Office of Legal Counsel \(OLC\)](#) issued an opinion expressing its view that DOD "may lawfully expend funds to pay for service members and their dependents to travel to obtain abortions that DoD cannot itself perform due to statutory restrictions." According to the OLC, "DoD may lawfully expend funds to pay for such travel pursuant to both its express statutory authorities and, independently, the necessary expense doctrine." On October 20, 2022, the [SECDEF directed DOD](#), "within its authority and consistent with applicable federal law," to take a series of actions to ensure servicemembers and their dependents could "access reproductive health care" and "health care providers can operate effectively."

In support of these actions, [DOD also released policies on February 16, 2023](#), to

- [standardize and extend the timeframe](#) for a servicemember to inform their commander about a pregnancy,
- [authorize administrative absence](#) (i.e., non-chargeable leave) for non-covered reproductive health services, and
- [authorize travel and transportation allowances](#) for servicemembers and eligible dependents seeking non-covered reproductive health services.

[DOD reported](#) that between June 2023 and December 2023, the policy that "authorized travel and transportation allowances to access noncovered reproductive health care services" was used "12 times across the military services," costing DOD "about \$45,000." The reported figures did not specify which kind of non-covered reproductive health services were obtained in connection with using authorized travel and transportation allowances.

Trump Administration Policy Changes

On January 24, 2025, President Trump signed [Executive Order 14182](#), which established U.S. policy to "end the forced use of Federal taxpayer dollars to fund or promote elective abortion." The order directed, among other actions, the Office of Management and Budget (OMB) to issue implementation guidance to the heads of executive departments and agencies. On January 29, 2025, DOD [published an update to the Joint Travel Regulations \(JTR\)](#) removing travel and transportation allowances established under the Biden Administration for servicemembers and dependents seeking non-covered reproductive health services. On February 4, 2025, DOD [published another update to the JTR](#) reestablishing travel and transportation allowances for servicemembers and dependents seeking "lawfully available" non-covered ART services.

As of the date of this product, CRS has not identified any subsequent OMB implementation guidance or changes to the DOD or military department policies on pregnancy notification, administrative absence for non-covered reproductive health services, or other SECDEF-directed actions that were in force during the Biden Administration.

Congressional Considerations

Members of Congress have expressed differing views on whether or not DOD should offer beneficiaries any resources to access non-covered reproductive health services. Some [Members supported access](#) for servicemembers and their dependents to non-covered reproductive health services and introduced [legislation](#) in the 118th Congress to codify those benefits. [Other Members have opposed the provision of resources](#) for this purpose and [introduced legislation](#) in the 118th Congress to rescind the Biden Administration policies and to codify a prohibition on DOD funds for such purposes.

The 119th Congress may consider similar legislation to codify the provision or prohibition of resources to access non-covered reproductive health services, or defer to the executive branch's interpretation and implementation of existing laws and regulations with regard to such access. Congress may also consider the following lines of inquiry to clarify policies and processes for beneficiaries to access non-covered reproductive health services.

- Does DOD intend to retain, rescind, or update other [SECDEF-directed actions](#) that affect beneficiaries' ability to "access reproductive health care" and health care providers' ability to "operate effectively"?
- What impact, if any, could policy changes have on military readiness?
- How should DOD inform beneficiaries if any eventual changes are made to policies and procedures on accessing non-covered reproductive health services?
- Will DOD process travel and transportation reimbursements for accessing non-covered reproductive health services that occurred prior to February 4, 2025?
- How might recent DOD policy updates affect a servicemember's right to privacy in the case that they seek access to non-covered reproductive health services?

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