

United States Senate

July 28, 2023

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

Secretary Austin:

On February 16, 2023, the Department of Defense (DoD) released new policy regarding administrative absence for non-covered reproductive health care, a political decision driven primarily by this administration's desire to increase access to elective abortion. The new policy grants eligible service members additional leave (up to 21 days) and travel expense reimbursements in order to obtain elective abortions. This policy falls outside the statutory limitations of 10 U.S.C. § 1093. Upon issuance of this policy, I carried out my previously stated intent to place a hold on all general and flag officers.

Since the policy's implementation and despite my numerous requests, the DoD has refused to provide basic information on the utilization of this policy, such as the budget from which it will draw funds necessary to cover this travel. The DoD recently provided a briefing for members of the Senate Armed Services Committee which failed to deliver any new information. Frankly, the briefing raised more questions than answers. I remain strongly opposed to this immoral policy and believe its development and implementation run afoul of legal authority granted to the executive branch.

Given the DoD's failure to adequately explain a rationale for the decision to implement this policy and lack of due diligence in determining how it will impact force readiness, I request that your office submit answers to the following questions by no later than September 1, 2023:

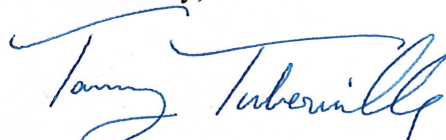
- 1. Since the policy's implementation, how many service members have used the "Administrative Absence for Non-covered Reproductive Health Care" policy to receive the additional leave and/or travel expense reimbursements for abortion?**
- 2. How many days of additional leave have been granted for abortion as a result of the policy?**
- 3. Since implementation, what is the total cost DoD has incurred due to paying travel expenses associated with this policy?**
- 4. Does this policy entitle reimbursement for travel expenses and additional time off, beyond what is already prescribed by law, for service members or their dependents who chose to give birth?**

5. **Other than the “non-covered reproductive services” which fall under this new policy, for what medical services does DoD reimburse all travel expenses and provide an additional 21 days of non-chargeable paid time off?**
6. **Please provide a copy of the RAND Corporation survey from September 2022 which the DoD referenced during a December 7, 2022, briefing to my staff.**
7. **Please provide a copy of any other resources and analysis conducted and relied on by DoD in carrying out the Secretary’s directives under the October 20, 2022 memo entitled “Ensuring Access to Reproductive Health Care.”**

According to the Congressional Research Service, there were approximately 863 active duty general/flag officers as of September 2022. The Pentagon estimates that my “hold” on promotions being passed by unanimous consent could impact approximately 650 nominations by the end of the year. This would amount to roughly 75% of all active duty general/flag officers.

8. **What is the average number of general/flag officers serving in the military each year, by year, for the prior 10 years?**
9. **What is the total number of general/flag officers nominated for appointment each year, by year, for the prior 10 years? Of that number, how many of these nominations are for promotion?**
10. **How many of these nominations are for appointing a general officer to remain in the same grade but to take a new post?**
11. **During the past 10 years, what is the average time in grade post promotion of general/flag officers at the following ranks: O-7, O-8, O-9, and O-10?**
12. **Please provide the number of occurrences in the past 10 years when a general/flag officer has skipped a rank. (For example, a Brigadier General being promoted to Lieutenant General).**
13. **During the past 10 years, what is the rate of retirement for general/flag officers, by rank, at the following ranks: O-7, O-8, O-9, and O-10? (For example, how many officers retire at the rank of Brigadier General? How many retire at the rank of Major General?)**

Sincerely,

A handwritten signature in blue ink that reads "Tommy Tuberville". The signature is fluid and cursive, with the first name "Tommy" and last name "Tuberville" clearly legible.

Tommy Tuberville
United States Senator