

**Congress of the United States**  
**Washington, DC 20510**

January 20, 2022

The Honorable Lloyd J. Austin III  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Secretary Austin,

Thank you for your leadership in ensuring that military families have access to the health care they need and deserve. As Members of Congress committed to sexual and reproductive health and rights, we urge you to use your authority to rectify the injustice of some servicemembers and military families being subject to cost sharing for contraceptive care.

Although the Patient Protection and Affordable Care Act (ACA) guarantees that employer-sponsored and marketplace health plans cover preventive services without cost sharing, including all Food and Drug Administration (FDA)-approved contraceptive methods, counseling, and related services, these protections do not apply to coverage through TRICARE. As a result, military families have fewer rights than those they serve to protect. For example, a dependent of an active-duty servicemember or a retiree enrolled in TRICARE Select is subject to copays for contraception which, depending on the method, may involve paying out-of-pocket for counseling, the contraceptive method, and insertion and removal. Similarly, retirees and family members of retirees enrolled in TRICARE Prime have copays for contraceptive counseling and care when performed by a TRICARE-authorized provider.

Statutory changes are needed to ensure that all those who access contraception through a retail pharmacy or the home delivery program are not subject to copays. However, you have the authority to designate health care visits relating to screening, counseling, insertion, removal, or maintenance of FDA-approved contraceptive devices as “preventive services” and waive their applicable TRICARE copays.<sup>1</sup> Such a designation would begin to align TRICARE’s preventive services benefit with the Health Resources and Services Administration’s Women’s Preventive Services Guidelines.

As you know, access to contraception and the ability to determine if and when to have children are inextricably tied to one’s health and wellbeing, equality, financial security, and control over one’s life. Studies have shown that the costs related to contraception, even when small, lead

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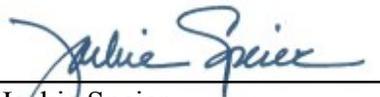
<sup>1</sup> See Section 711 of the FY2009 NDAA (P.L. 110-417). This provision waives copays for preventive services outlined in this NDAA and “other services as determined by the Secretary of Defense.”

some women to forgo it completely, to choose less effective methods, or to use it inconsistently. The right method of contraception is different for everyone, and each person must be able to choose what's right for them from the full range of methods. Access to contraception is also critical for treatment of health conditions like endometriosis and as a tool for menstrual suppression. Prioritizing access to contraception for servicemembers and their dependents is an investment in their health and wellbeing and an investment in the stability of our Armed Forces.

The House of Representatives has repeatedly demonstrated support for ensuring all TRICARE beneficiaries are not subject to co-pays for contraception, most recently in Section 705 of the House-passed FY 2022 National Defense Authorization Act. The Department of Defense voiced support for the provision, stating in an informal view that, "Given the relatively low cost of cost-sharing prohibition, the Department supports this legislative relief to make TRICARE benefits more in line with the provisions of the ACA. The estimated \$56M in avoided pregnancy costs suggests that removing these financial barriers to contraception may mean more freedom of choice with respect to family planning for our beneficiaries." The standalone legislation on this provision, the *Access to Contraception for Servicemembers and Dependents Act*, also enjoys bipartisan support in the Senate.

Given the urgency of the matter, we encourage you to waive contraceptive copays that fall under your authority and continue working with Congress to eliminate all cost sharing for contraception for servicemembers and military families, as gaps will still remain in statute for certain TRICARE beneficiaries. We must commit to ensuring that all barriers to care are eliminated, and that military servicemembers and their loved ones can access the contraception they need without exception. Ensuring our servicemembers and their dependents receive basic health care services without cost barriers – just as civilians do – is the least we can do for these brave individuals who put their lives on the line in defense of our country and freedoms.

Sincerely,



Jackie Speier  
Member of Congress



Barbara Lee  
Member of Congress



Diana DeGette  
Member of Congress



Brenda L. Lawrence  
Member of Congress



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Lois Frankel  
Member of Congress



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Sylvia R. Garcia  
Member of Congress



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Veronica Escobar  
Member of Congress



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Marilyn Strickland  
Member of Congress



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Sara Jacobs  
Member of Congress



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Eleanor Holmes Norton  
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Member of Congress



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Ro Khanna  
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Chrissy Houlahan  
Member of Congress



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Member of Congress



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Member of Congress



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Member of Congress



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Member of Congress



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Member of Congress



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Jan Schakowsky  
Member of Congress



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Karen Bass  
Member of Congress



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Al Lawson, Jr.  
Member of Congress



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Member of Congress



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William R. Keating  
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Jamie Raskin  
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James P. McGovern  
Member of Congress



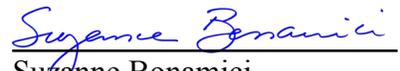
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Anthony G. Brown  
Member of Congress



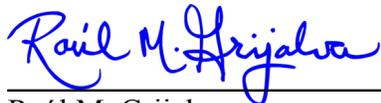
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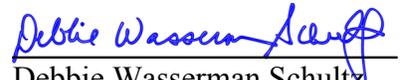
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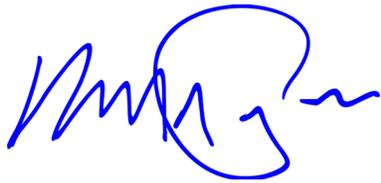
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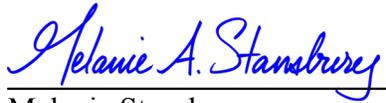
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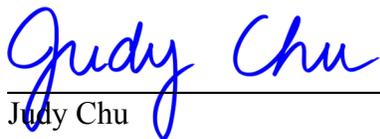
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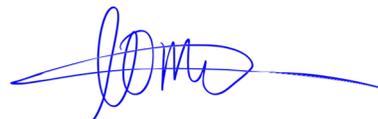
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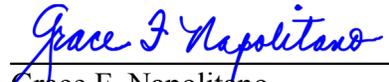
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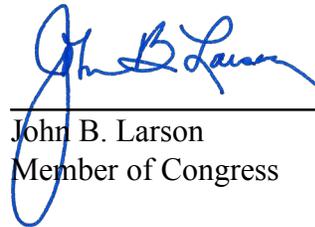
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Jason Crow  
Member of Congress



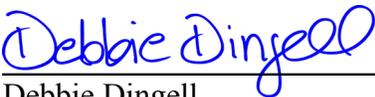
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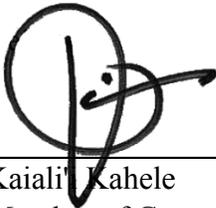
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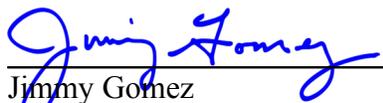
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Member of Congress  
Chairwoman, HVAC  
Subcommittee on Health



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Marie Newman  
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Peter A. DeFazio  
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Jared Huffman  
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Chris Pappas  
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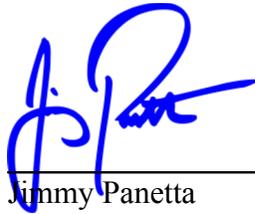
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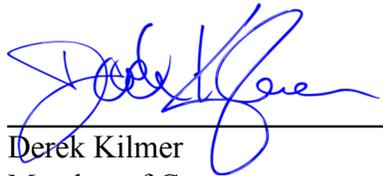
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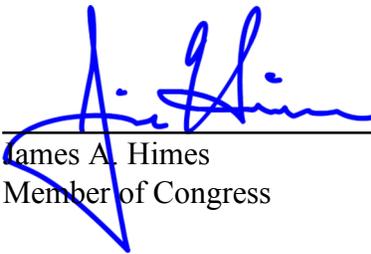
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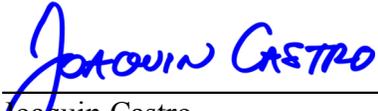
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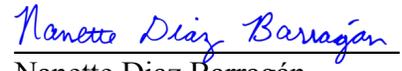
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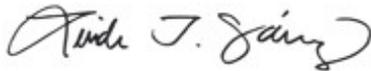
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Linda T. Sánchez  
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Zoe Lofgren  
Member of Congress



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John Yarmuth  
Member of Congress



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Katie Porter  
Member of Congress



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Jesús G. "Chuy" García  
Member of Congress



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Daniel T. Kildee  
Member of Congress



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Joe Neguse  
Member of Congress



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Jamaal Bowman  
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Lauren Underwood  
Member of Congress



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Charlie Crist  
Member of Congress



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Gregory W. Meeks  
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Lloyd Doggett  
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