

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MS. BROWNLEY OF CALIFORNIA

Page 481, after line 2, insert the following new section:

1 SEC. 576. JUSTICE FOR WOMEN VETERANS.

2 (a) FINDINGS.—Congress finds the following:

3 (1) In June 1948, Congress enacted the Women's
4 Armed Services Integration Act of 1948, which
5 formally authorized the appointment and enlistment
6 of women in the regular components of the Armed
7 Forces.

8 (2) With the expansion of the Armed Forces to
9 include women, the possibility arose for the first
10 time that members of the regular components of the
11 Armed Forces could become pregnant.

12 (3) The response to such possibilities and actualities
13 was Executive Order 10240, signed by President
14 Harry S. Truman in 1951, which granted the
15 Armed Forces the authority to involuntarily separate
16 or discharge a woman if she became pregnant, gave
17 birth to a child, or became a parent by adoption or
18 a stepparent.

1 (4) The Armed Forces responded to the Execu-
2 tive order by systematically discharging any woman
3 in the Armed Forces who became pregnant, regard-
4 less of whether the pregnancy was planned, un-
5 planned, or the result of sexual abuse.

6 (5) Although the Armed Forces were required
7 to offer women who were involuntarily separated or
8 discharged due to pregnancy the opportunity to re-
9 quest retention in the military, many such women
10 were not offered such opportunity.

11 (6) The Armed Forces did not provide required
12 separation benefits, counseling, or assistance to the
13 members of the Armed Forces who were separated
14 or discharged due to pregnancy.

15 (7) Thousands of members of the Armed
16 Forces were involuntarily separated or discharged
17 from the Armed Forces as a result of pregnancy.

18 (8) There are reports that the practice of the
19 Armed Forces to systematically separate or dis-
20 charge pregnant members caused some such mem-
21 bers to seek an unsafe or inaccessible abortion,
22 which was not legal at the time, or to put their chil-
23 dren up for adoption, and that, in some cases, some
24 women died by suicide following their involuntary
25 separation or discharge from the Armed Forces.

1 (9) Such involuntary separation or discharge
2 from the Armed Forces on the basis of pregnancy
3 was challenged in Federal district court by Steph-
4 anie Crawford in 1975, whose legal argument stated
5 that this practice violated her constitutional right to
6 due process of law.

7 (10) The Court of Appeals for the Second Cir-
8 cuit ruled in Stephanie Crawford's favor in 1976
9 and found that Executive Order 10240 and any reg-
10 ulations relating to the Armed Forces that made
11 separation or discharge mandatory due to pregnancy
12 were unconstitutional.

13 (11) By 1976, all regulations that permitted in-
14 voluntary separation or discharge of a member of
15 the Armed Forces because of pregnancy or any form
16 of parenthood were rescinded.

17 (12) Today, women comprise 17 percent of the
18 Armed Forces, and many are parents, including 12
19 percent of whom are single parents.

20 (13) While military parents face many hard-
21 ships, today's Armed Forces provides various lengths
22 of paid family leave for mothers and fathers. for
23 both birth and adoption of children.

24 (b) SENSE OF CONGRESS.—

1 (1) SENSE OF CONGRESS.—It is the sense of
2 Congress that women who served in the Armed
3 Forces before February 23, 1976 should not have
4 been involuntarily separated or discharged due to
5 pregnancy or parenthood.

6 (2) EXPRESSION OF REMORSE.—Congress here-
7 by expresses deep remorse for the women who patri-
8 otically served in the Armed Forces, but were forced,
9 by official United States policy, to endure unneces-
10 sary and discriminatory actions, including the viola-
11 tion of their constitutional right to due process of
12 law, simply because they became pregnant or became
13 a parent while a member of the Armed Forces.

14 (c) GAO STUDY OF WOMEN INVOLUNTARILY SEPA-
15 RATED OR DISCHARGED DUE TO PREGNANCY OR PAR-
16 ENTHOOD.—

17 (1) STUDY REQUIRED.—The Comptroller Gen-
18 eral of the United States shall conduct a study re-
19 garding women involuntarily separated or discharged
20 from the Armed Forces due to pregnancy or parent-
21 hood during the period of 1951 through 1976. The
22 study shall identify—

23 (A) the number of such women,
24 disaggregated by—

25 (i) Armed Force;

1 (ii) grade;

2 (iii) race; and

3 (iv) ethnicity;

4 (B) the characters of such discharges or
5 separations;

6 (C) discrepancies in uniformity of such dis-
7 charges or separations;

8 (D) how such discharges or separations af-
9 fected access of such women to health care and
10 benefits through the Department of Veterans
11 Affairs; and

12 (E) recommendations for improving access
13 of such women to resources through the De-
14 partment of Veterans Affairs.

15 (2) BRIEFING AND REPORT.—

16 (A) BRIEFING.—Not later than 6 months
17 after the date of enactment of this Act, the
18 Comptroller General shall brief the Committees
19 on Armed Services and the Committees on Vet-
20 erans' Affairs of the Senate and the House of
21 Representatives on the study.

22 (B) REPORT.—Not later than 18 months
23 after the date of the enactment of this Act, the
24 Comptroller General shall submit a report to
25 the Committees on Armed Services and the

1 Committees on Veterans' Affairs of the Senate
2 and the House of Representatives on the results
3 of the study conducted under paragraph (1).

