

AMENDMENT TO RULES COMMITTEE
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OFFERED BY MS. BROWNLEY OF CALIFORNIA

At the end of subtitle J of title V, add the following:

1 **SEC. 5 ____ . SENSE OF CONGRESS REGARDING WOMEN IN-**
2 **VOLUNTARILY SEPARATED FROM THE**
3 **ARMED FORCES DUE TO PREGNANCY OR**
4 **PARENTHOOD.**

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

6 (1) In June 1948, Congress enacted the Wom-
7 en’s Armed Services Integration Act of 1948, which
8 formally authorized the appointment and enlistment
9 of women in the regular components of the Armed
10 Forces.

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

15 (3) The response to such possibilities and actu-
16 alities was Executive Order 10240, signed by Presi-
17 dent Harry S. Truman in 1951, which granted the
18 Armed Forces the authority to involuntarily separate
19 or discharge a woman if she became pregnant, gave

1 birth to a child, or became a parent by adoption or
2 a stepparent.

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

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

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

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

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

1 women died by suicide following their involuntary
2 separation or discharge from the Armed Forces.

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

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

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

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

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

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

5 (c) EXPRESSION OF REMORSE.—Congress hereby ex-
6 presses deep remorse for the women who patriotically
7 served in the Armed Forces, but were forced, by official
8 United States policy, to endure unnecessary and discrimi-
9 natory actions, including the violation of their constitu-
10 tional right to due process of law, simply because they be-
11 came pregnant or became a parent while a member of the
12 Armed Forces.

