

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2385
OFFERED BY Ms. Brownley

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Justice for Women
3 Veterans Act”.

4 SEC. 2. FINDINGS.

5 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

1 or discharge a woman if she became pregnant, gave
2 birth to a child, or became a parent by adoption or
3 a stepparent.

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

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

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

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

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

1 dren up for adoption, and that, in some cases, some
2 women died by suicide following their involuntary
3 separation or discharge from the Armed Forces.

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

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

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19 of parenthood were rescinded.

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

23 (13) While military parents face many hard-
24 ships, today's Armed Forces provides various lengths

1 of paid family leave for mothers and fathers. for
2 both birth and adoption of children.

3 **SEC. 3. SENSE OF CONGRESS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that women who served in the Armed Forces before
6 February 23, 1976 should not have been involuntarily sep-
7 arated or discharged due to pregnancy or parenthood.

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

16 **SEC. 4. GAO STUDY OF WOMEN INVOLUNTARILY SEPA-**
17 **RATED OR DISCHARGED DUE TO PREGNANCY**
18 **OR PARENTHOOD.**

19 (a) STUDY REQUIRED.—The Comptroller General of
20 the United States shall conduct a study regarding women
21 involuntarily separated or discharged from the Armed
22 Forces due to pregnancy or parenthood during the period
23 of 1951 through 1976. The study shall identify—

24 (1) the number of such women, disaggregated
25 by—

1 (A) Armed Force;

2 (B) grade;

3 (C) race; and

4 (D) ethnicity;

5 (2) the characters of such discharges or separa-
6 tions;

7 (3) discrepancies in uniformity of such dis-
8 charges or separations;

9 (4) how such discharges or separations affected
10 access of such women to health care and benefits
11 through the Department of Veterans Affairs; and

12 (5) recommendations for improving access of
13 such women to resources through the Department of
14 Veterans Affairs.

15 (b) BRIEFING AND REPORT.—

16 (1) BRIEFING.—Not later than six months after
17 the date of enactment of this Act, the Comptroller
18 General shall brief the Committees on Armed Serv-
19 ices and the Committees on Veterans' Affairs of the
20 Senate and the House of Representatives on the
21 study.

22 (2) REPORT.—Not later than 18 months after
23 the date of the enactment of this Act, the Comp-
24 troller General shall submit a report to the Commit-
25 tees on Armed Services and the Committees on Vet-

1 erans' Affairs of the Senate and the House of Rep-
2 resentatives on the results of the study conducted
3 under paragraph (1).

