

116TH CONGRESS
2D SESSION

H. R. 7383

To direct the Comptroller General of the United States to conduct a study regarding women involuntarily separated or discharged from the Armed Forces due to pregnancy or parenthood, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2020

Ms. BROWNLEY of California introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Comptroller General of the United States to conduct a study regarding women involuntarily separated or discharged from the Armed Forces due to pregnancy or parenthood, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) In June 1948, Congress enacted the Wom-
6 en's Armed Services Integration Act of 1948, which
7 formally authorized the appointment and enlistment

1 of women in the regular components of the Armed
2 Forces.

3 (2) With the expansion of the Armed Forces to
4 include women, the possibility arose for the first
5 time that members of the regular components of the
6 Armed Forces could become pregnant.

7 (3) The response to such possibilities and actu-
8 alities was Executive Order 10240, signed by Presi-
9 dent Harry S. Truman in 1951, which granted the
10 Armed Forces the authority to involuntarily separate
11 or discharge a woman if she became pregnant, gave
12 birth to a child, or became a parent by adoption or
13 a stepparent.

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

19 (5) Although the Armed Forces were required
20 to offer women who were involuntarily separated or
21 discharged due to pregnancy the opportunity to re-
22 quest retention in the military, many such women
23 were not offered such opportunity.

24 (6) The Armed Forces did not provide required
25 separation benefits, counseling, or assistance to the

1 members of the Armed Forces who were separated
2 or discharged due to pregnancy.

3 (7) Thousands of members of the Armed
4 Forces were involuntarily separated or discharged
5 from the Armed Forces as a result of pregnancy.

6 (8) There are reports that the practice of the
7 Armed Forces to systematically separate or dis-
8 charge pregnant members caused some such mem-
9 bers to seek an unsafe or inaccessible abortion,
10 which was not legal at the time, or to put their chil-
11 dren up for adoption, and that, in some cases, some
12 women died by suicide following their involuntary
13 separation or discharge from the Armed Forces.

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

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

1 (11) By 1976, all regulations that permitted in-
2 voluntary separation or discharge of a member of
3 the Armed Forces because of pregnancy or any form
4 of parenthood were rescinded.

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

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

12 **SEC. 2. SENSE OF CONGRESS.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that women who served in the Armed Forces before
15 February 23, 1976, should not have been involuntarily
16 separated or discharged due to pregnancy or parenthood.

17 (b) EXPRESSION OF REMORSE.—Congress hereby ex-
18 presses deep remorse for the women who patriotically
19 served in the Armed Forces, but were forced, by official
20 United States policy, to endure unnecessary and discrimi-
21 natory actions, including the violation of their constitu-
22 tional right to due process of law, simply because they be-
23 came pregnant or became a parent while a member of the
24 Armed Forces.

1 **SEC. 3. GAO STUDY OF WOMEN INVOLUNTARILY SEPA-**
2 **RATED OR DISCHARGED DUE TO PREGNANCY**
3 **OR PARENTHOOD.**

4 (a) **STUDY REQUIRED.**—Not later than September
5 30, 2021, the Comptroller General of the United States
6 shall conduct a study regarding women involuntarily sepa-
7 rated or discharged from the Armed Forces due to preg-
8 nancy or parenthood during the period of 1951 through
9 1976. The study shall identify—

10 (1) the number of such women, disaggregated
11 by—

12 (A) Armed Force;

13 (B) grade;

14 (C) race; and

15 (D) ethnicity;

16 (2) the characters of such discharges or separa-
17 tions;

18 (3) discrepancies in uniformity of such dis-
19 charges or separations;

20 (4) how such discharges or separations affected
21 access of such women to health care and benefits
22 through the Department of Veterans Affairs; and

23 (5) recommendations for improving access of
24 such women to resources through the Department of
25 Veterans Affairs.

1 (b) REPORT.—Not later than 30 days after com-
2 pleting the study under subsection (a), the Comptroller
3 General shall submit to Congress a report containing the
4 results of that study.

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