

117TH CONGRESS
1ST SESSION

H. R. 2385

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

APRIL 8, 2021

Ms. BROWNLEY (for herself, Ms. VELÁZQUEZ, Ms. WILSON of Florida, Mrs. HAYES, and Ms. HOULAHAN) 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. SHORT TITLE.**

4 This Act may be cited as the “Justice for Women
5 Veterans Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In June 1948, Congress enacted the Wom-
4 en's 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 actu-
13 alities was Executive Order 10240, signed by Presi-
14 dent 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.

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

24 (5) Although the Armed Forces were required
25 to offer women who were involuntarily separated or
26 discharged due to pregnancy the opportunity to re-

1 quest retention in the military, many such women
2 were not offered such opportunity.

3 (6) The Armed Forces did not provide required
4 separation benefits, counseling, or assistance to the
5 members of the Armed Forces who were separated
6 or discharged due to pregnancy.

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

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

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

24 (10) The Court of Appeals for the Second Cir-
25 cuit ruled in Stephanie Crawford's favor in 1976

1 and found that Executive Order 10240 and any reg-
2 ulations relating to the Armed Forces that made
3 separation or discharge mandatory due to pregnancy
4 were unconstitutional.

5 (11) By 1976, all regulations that permitted in-
6 voluntary separation or discharge of a member of
7 the Armed Forces because of pregnancy or any form
8 of parenthood were rescinded.

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

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

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

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

21 (b) EXPRESSION OF REMORSE.—Congress hereby ex-
22 presses deep remorse for the women who patriotically
23 served in the Armed Forces, but were forced, by official
24 United States policy, to endure unnecessary and discrimi-
25 natory actions, including the violation of their constitu-

1 tional right to due process of law, simply because they be-
2 came pregnant or became a parent while a member of the
3 Armed Forces.

4 **SEC. 4. GAO STUDY OF WOMEN INVOLUNTARILY SEPA-**
5 **RATED OR DISCHARGED DUE TO PREGNANCY**
6 **OR PARENTHOOD.**

7 (a) STUDY REQUIRED.—Not later than September
8 30, 2021, the Comptroller General of the United States
9 shall conduct a study regarding women involuntarily sepa-
10 rated or discharged from the Armed Forces due to preg-
11 nancy or parenthood during the period of 1951 through
12 1976. The study shall identify—

13 (1) the number of such women, disaggregated
14 by—

15 (A) Armed Force;

16 (B) grade;

17 (C) race; and

18 (D) ethnicity;

19 (2) the characters of such discharges or separa-
20 tions;

21 (3) discrepancies in uniformity of such dis-
22 charges or separations;

23 (4) how such discharges or separations affected
24 access of such women to health care and benefits
25 through the Department of Veterans Affairs; and

1 (5) recommendations for improving access of
2 such women to resources through the Department of
3 Veterans Affairs.

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

○