



Lift the Ban on Federally Funded Abortion Services for Military Victims of Rape and Incest

- Current law permits the Department of Defense to provide abortion services at military facilities in cases of life endangerment, rape, or incest.¹ However, in the tragic cases of rape or incest, the woman must bear the cost of the procedure herself. This ban adds insult to injury.
- Even the very restrictive Medicaid law provides federal funding for abortion services for low-income women in cases of rape or incest, in addition to life endangerment.² Repealing the current-law ban on federally funded abortion services at military hospitals for victims of rape or incest would bring DoD's policy in line with current Medicaid law.
- Recent reports of sexual assault from female cadets and officers demonstrate, sadly, that the current policy fails to acknowledge the reality that some servicewomen face.
 - According to the Pentagon, the number of reported sexual assaults in the military increased approximately 24 percent in 2006 – nearly 3000 incidents were reported in 2006 compared to almost 2400 in 2005. The most recent data indicate that the trend may be leveling off; however, sexual assaults in the military remain a major cause for concern.³
 - Statistics from the Department of Defense indicate that between three and six percent of active-duty women in the military report having been sexually assaulted.⁴
 - From 1993 through 2002, 142 women reported being assaulted at the Air Force Academy, and in a 2003 survey, 12 percent of graduates that year said they were either victims of rape or attempted rape during their four years at the academy.⁵
 - A 2003 study found that 30 percent of female U.S. military veterans report having been raped or suffered a rape attempt during their military service.⁶
 - A 2005 study from the Department of Veterans Affairs states that 60 percent of women and 27 percent of men in the military reserves and the National Guard suffer sexual assault or harassment during their service.⁷
- These reports of rampant sexual assaults committed against women in the military – often by their male colleagues – are appalling. Women serving our country should never have to face the tragedy of a sexual assault, but if they do, they should – at a minimum – be able to receive timely care and support.
- The Army's policy statement on sexual assault says, "The Army will treat all victims of sexual assault with dignity, fairness, and respect."⁸ In spite of this clear declaration, rape victims will continue to be denied "fairness and respect" as long the ban on abortion for

rape or incest victims remains in place and medical care is denied to those victimized by a criminal act.

- The funding ban places an undue financial burden on female service members and military dependents and may make some women reluctant to seek these medical services or force them to delay the procedure for several weeks. Although legal abortion remains a very safe medical procedure, for each week it is delayed, the risk to the woman's health increases. Making matters worse, evidence shows that victims of sexual assault are likeliest to be among the junior enlisted ranks⁹ – in other words, earning the lowest pay, and thus least likely to be able to afford needed medical care (such as abortion services) that the military refuses to provide.
- This ban further harms the women and families who have volunteered to serve their country, placing yet another obstacle in front of those who have already suffered an unspeakable assault and may wish to exercise their constitutionally protected right to choose.
- Repealing the current-law ban on federally funded abortion services for victims of rape or incest is one small but important step toward rectifying this unacceptable situation.

FY'07 CONGRESSIONAL ACTION¹⁰

- May 5, 2006: Senate Armed Services Committee approves the bill. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who have been the victims of rape or incest.
- May 9, 2006: As the House prepares to consider the FY'07 National Defense Authorization Act, Reps. Christopher Shays (R-CT) and Carolyn Maloney (D-NY) ask permission to offer an amendment allowing federally funded abortion care when women have been victims of rape or incest. The Rules Committee denies their request.
- May 11, 2006: House approves the bill.
- June 22, 2006: Senate approves the bill. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who have been the victims of rape or incest.
- September 29, 2006: House-Senate conferees issue a conference report which does not include language to allow federally funded abortion care when women have been the victims of rape or incest.
- September 29, 2006: House passes conference report.
- September 30, 2006: Senate passes conference report.
- October 17, 2006: President Bush signs the bill into law – P.L. 109-364.

FY'08 CONGRESSIONAL ACTION¹¹

- May 2, 2007: House Armed Services Military Personnel Subcommittee approves the FY'08 National Defense Authorization Act. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who have been the victims of rape or incest.
- May 9, 2007: House Armed Services Committee approves the bill. No attempt is made to repeal the ban on federally funded abortion services for military women overseas.
- May 17, 2007: House approves the bill.
- May 22, 2007: Senate Armed Services Personnel Subcommittee approves the bill. No attempt is made to repeal the ban on federally funded abortion services for military women overseas.
- May 24, 2007: Senate Armed Services Committee approves the bill. No attempt is made to repeal the ban on federally funded abortion services for military women overseas.
- Oct. 1, 2007: Senate approves the bill.
- December 6, 2007: House-Senate conferees issue a conference report which does not include language to repeal the ban on privately funded abortion services for military women overseas.
- December 12, 2007: House passes conference report.
- December 14, 2007: Senate passes conference report.
- December 28, 2007: President Bush vetoes the bill over an unrelated issue.
- January 28, 2008: President Bush signs the bill into law – P.L. 110-181.

FY'09 CONGRESSIONAL ACTION¹²

- May 7, 2008: House Armed Services Military Personnel Subcommittee approves the FY'09 National Defense Authorization Act. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who have been the victims of rape or incest.
- May 12, 2008: Senate Armed Services Committee approves the bill. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who have been the victims of rape or incest.
- May 16, 2008: House Armed Services Committee approves the bill. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who have been the victims of rape or incest.
- May 22, 2008: House approves the bill.
- September 17, 2008: Senate approves the bill.
- September 24, 2008: House approves amended Senate bill.
- September 27, 2008: Senate approves House amended bill.
- October 14, 2008: President Bush signs the bill into law – P.L.110-417.

January 1, 2009

Notes:

¹ NARAL Pro-Choice America Foundation, *Abortion-Related Restrictions on Military Women: FY'79 to Present* (Apr. 19, 2007).

² National Abortion Federation, *Public Funding For Abortion: Medicaid And The Hyde Amendment* (2006).

³ Department of Defense, *FY07 Report on Sexual Assault in the Military* (Mar. 13, 2008), at www.sapr.mil/contents/references/2007%20Annual%20Report.pdf.

⁴ Lynette Clemetson, *Representatives Urge Military to Respond to Sexual Assaults*, THE NEW YORK TIMES, June 3, 2004, at A24.

⁵ The United States Air Force Academy, *Report of The Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy* (Sept. 2003)

⁶ Press Release, The University of Iowa, *UI, VAMC Researchers Study Women's Risk of Rape in Military* (Mar. 11, 2003)

⁷ Ann Scott Tyson, *Sexual Abuse Is Called Rife in Guard and Reserves*, WASH. POST, Sept. 30, 2005, at A02.

⁸ Headquarters Department of the Army, *Army Command Policy* (Jun. 7, 2006).

⁹ United States Army Combat Readiness Center, *Sexual Assault Prevention* (Aug. 2007) at <https://crcarmy.mil/Guidance>.

¹⁰ H.R.5122, 109th Cong. (2006) (enacted).

¹¹ H.R.1585, 110th Cong. (2007); H.R.4986, 110th Cong. (2008) (enacted).

¹² S.3001, 110th Cong. (2008) (enacted).