



Lift the Ban on Federally Funded Abortion Services for Military Sexual-Assault Survivors

- Current law permits the Department of Defense (DoD) to provide abortion services at military facilities only in cases of life endangerment, rape, or incest.¹ 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 survivors 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, more than 3,000 incidents of sexual assault were reported in FY'10. Pentagon officials estimate that only between 10 and 20 percent of sexual-assault crimes are reported.³
 - In FY'08, the Air Force reported a total of 607 sexual-assault cases, the Navy had a total of 489 reported cases, and the Marines reported 243 sexual-assault cases.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 survivors of rape or attempted rape during their four years at the academy.⁵ The number of incidents of unwanted sexual contact at the Air Force, Military, and Naval Academies continue to rise.⁶
 - The Defense Department estimates that only one fifth of sexual assaults involving servicemembers are recorded. And those women that do come forward face damage to future career opportunities. In a class action suit filed in February 2011 against the military alleging problems with handling of servicemembers' sexual-assault cases, one plaintiff reported that she was told to put her allegations "'on the back burner' out of consideration for her career."⁷
 - A 2003 study found that approximately 30 percent of female U.S. military veterans report having been raped or suffered a rape attempt during their military service.⁸

- 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.⁹
- These reports of 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.”¹⁰ In spite of this clear declaration, rape survivors continue to be denied “fairness and respect” as long the ban on abortion for rape or incest survivors 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 medical services or force them to delay the abortion 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.¹¹ Making matters worse, evidence shows that survivors of sexual assault are likeliest to be among the junior enlisted ranks¹² – 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.
- A recent study published in the *Journal of Law, Medicine & Ethics* reviewed this issue. It reveals not only the level of inadequate access that servicewomen receive from military treatment facilities, but also stresses the need for improved services. One of several recommendations the study makes is to lift legislative restrictions on access to safe abortion care. The article states, “Female military personnel have the same right to basic health-care services as their male counterparts, and reproductive-health care is a fundamental component of health care for women.”¹³
- 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 survivors of rape or incest is one small but important step toward rectifying this unacceptable situation.

FY'11 CONGRESSIONAL ACTION¹⁴

- May 12, 2010: House Armed Services Military Personnel Subcommittee approves the FY'11 National Defense Authorization Act. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who are survivors of rape or incest.
- May 26, 2010: 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 are survivors of rape or incest.
- May 28, 2010: House approves the bill.
- May 27, 2010: 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 who are survivors of rape or incest.
- May 29, 2010: 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 are survivors of rape or incest.
- September 21, 2010: Senate fails to bring up the bill, rejecting a cloture motion 56-43 (60 votes were needed).

FY'12 CONGRESSIONAL ACTION¹⁵

- May 4, 2011: House Armed Services Personnel Subcommittee approves FY'12 National Defense Authorization Act. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who are survivors of rape or incest.
- May 11, 2011: House Armed Service Committee approves bill. No attempt is made to repeal the ban on privately funded abortion services for military women overseas.
- May 25, 2011: In preparation for floor debate, Reps. Susan Davis (D-CA), Robert Andrews (D-NJ), Diana DeGette (D-CO), Carolyn Maloney (D-NY), Loretta Sanchez (D-CA), and Louise Slaughter (D-NY) file an amendment to repeal the ban on federally funded abortion services for military women overseas who are survivors of rape or incest to the Defense authorization bill. The House Rules Committee refuses to allow a vote on the Davis amendment.
- May 26, 2011: House approves the bill.
- June 14, 2011: Senate Armed Services Personnel Subcommittee approves FY'12 National Defense Authorization Act. No attempt is made to repeal the ban on federally funded abortion services for military women overseas who are survivors of rape or incest.
- June 16, 2011: Senate Armed Service Committee approves bill. No attempt is made to repeal the ban.
- November 17, 2011: In preparation for floor debate, Sen. Jeanne Shaheen (D-NH) offers amendment to the Defense authorization bill to repeal the ban.
- December 1, 2011: Senate approves bill.

January 1, 2012

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, *FY'10 Report on Sexual Assault in the Military* (March 2011) at 64, http://www.sapr.mil/media/pdf/reports/DoD_Fiscal_Year_2010_Annual_Report_on_Sexual_Assault_in_the_Military.pdf (last visited Oct. 18, 2011); Department of Defense, *FY'09 Report on Sexual Assault in the Military* (March 2010) at http://www.sapr.mil/media/pdf/reports/fy09_annual_report.pdf.
- ⁴ Mike Mount, *Reports of sexual assault in military rise in 2008*, CNN, March 17, 2009 at <http://www.cnn.com/2009/POLITICS/03/17/military.assaults/index.html>.
- 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 Defense Manpower Data Center, *2008 Service Academy Gender Relations Survey* (December 2008) at <http://www.sapr.mil/contents/references/DMDC2008ServiceAcademyGenderRelationsSurvey.pdf>.
- ⁷ Anthony Lydgate, *Conduct Unbecoming: The Military's Sexual-Assault Problem*, HARPER'S MAGAZINE, September 1011 2010, at 386.
- ⁸ Press Release, The University of Iowa, *UI, VAMC Researchers Study Women's Risk of Rape in Military* (Mar. 11, 2003).
- ⁹ Ann Scott Tyson, *Sexual Abuse Is Called Rife in Guard and Reserves*, WASH. POST, Sept. 30, 2005, at A02; Nic Swiercek, *Servicewomen fight war, effects of rape*, DAILY NEBRASKAN, Dec. 10, 2008.
- ¹⁰ Headquarters Department of the Army, *Army Command Policy* (Jun. 7, 2006).
- ¹¹ Lawrence B. Filner, Lori F. Frohwirth, Lindsay A. Dauphinee, Susheela Singh, Ann M. Moore, *Timing of steps and reasons for delays obtaining abortions in the United States*, CONTRACEPTION, 10 Apr. 2006.
- ¹² United States Army, *Call To Duty: Boots on the Ground* at <http://www.sexualassault.army.mil/files/SAPR%20Video%20Brochure.pdf> (last visited Nov. 22, 2011); *FY09 Report on Sexual Assault in the Military* (March 2010) at http://www.sapr.mil/media/pdf/reports/fy09_annual_report.pdf.
- ¹³ Kathryn L. Ponder and Melissa Nothrange, *Damage Control: Unintended Pregnancy in the United States Military*, JOURNAL OF LAW, MEDICINE, & ETHICS, Summer 2010, at 386.
- ¹⁴ H.R.5136, 111th Cong. (2010); S.3454, 111th Cong. (2010).
- ¹⁵ H.R.1540, 112th Cong. (2011); S.981, 112th Cong. (2011).