

PRIVATELY FUNDED ABORTIONS AT MILITARY HOSPITALS

Since 1979 the Department of Defense (DoD) appropriations bills have prohibited the use of funds to perform abortions at overseas military hospitals in almost all cases. In 1985 the ban was made permanent by the DoD Authorization Bill. In 1988, DoD issued an administrative order — without Congressional consultation — extending the funding ban to prohibit women from obtaining abortion services with their own funds at military facilities overseas. Prior to the 1988 restrictions, DoD had an informal policy of providing abortion services at overseas facilities with private funds.

In 1993 President Clinton issued an Executive Order lifting the ban on privately funded abortion services, permitting abortions to be provided at U.S. military hospitals overseas if paid for with private, non-DoD funds. The Executive Order allowed abortions to be made available at military medical facilities overseas within the framework set up in *Roe v. Wade*, and in keeping with other laws and regulations governing military medical care.

In 1995 an anti-choice majority in Congress wrote into permanent code, through the FY 96 Department of Defense Authorization Act, a ban on privately funded abortions at overseas military facilities for U.S. servicewomen, except for cases where a woman is the victim of rape or incest. The DoD will only pay for abortions in cases of life endangerment.

Over 100,000 women — active servicemembers, spouses and dependents of military personnel — live on military bases overseas and rely on military hospitals for their health care. The ban on privately funded abortions discriminates against women and their families who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose simply because they are stationed overseas.

While the DoD policy respects host nation laws regarding abortion, to the extent feasible and consistent with legal obligations, women stationed overseas should have the same access to abortion services as do women in the U.S.

Prohibiting women from using their own funds to obtain abortion services at overseas military facilities endangers their health. Women stationed overseas depend on their base hospitals for medical care, and are often situated in areas where local facilities are inadequate or unavailable. This policy may cause a woman facing a crisis pregnancy to seek out an illegal, unsafe procedure.

This ban may cause a woman stationed overseas who is facing an unintended

pregnancy to be forced to delay the procedure for several weeks until she can travel to a location where safe, adequate care is available. For each week an abortion is delayed, the risk to the woman's health increases.

All three branches of the military already have "conscience clause" provisions which permit medical personnel who have moral, religious or ethical objections to abortion or family planning services to opt-out of participating in the procedure. If the restriction is lifted, these "conscience clauses" would remain intact.

The Department of Defense opposes this harmful restriction. In a May 7, 1999 letter to Congress, Assistant Secretary for Defense Dr. Sue Bailey stated, "The Department (of Defense) believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their constitutional right to the full range of reproductive health care."

LAST YEAR'S FY 00 CONGRESSIONAL ACTION

May 13, 1999 during the House Armed Services Subcommittee on Military Personnel mark-up of the FY 00 National Defense Authorization Act, Representative Sanchez offered an amendment to repeal current law prohibiting servicewomen and military dependents stationed overseas from obtaining privately funded abortions at overseas military facilities. The amendment passed by a vote of 10-8.

The Subcommittee also considered an amendment offered by Representative Kuykendall to expand the exception to the current-law ban on DoD-funded abortions to include cases of rape and incest, as well as life endangerment. The amendment would make DoD funding for abortion consistent with the current Hyde Amendment, which requires Medicaid funding for low-income women, not only in the case of life endangerment, but also in cases of rape and incest. The Kuykendall amendment passed by a vote of 11-7.

May 19, 1999, during the House Armed Services Committee mark-up of the FY 00 National Defense Authorization Act, Representative Buyer offered an amendment to reinstate the current-law ban on privately-funded abortions at overseas military hospitals for servicewomen and military dependents that had been removed in Subcommittee. The Buyer amendment passed 33-26.

Representative Bartlett offered an amendment to strike the rape and incest exceptions that the Subcommittee had added to the permanent ban on DoD funding for abortion, which currently contains an exception only for life endangerment. The Bartlett amendment failed 25-29. Representative Buyer then offered an amendment to limit rape and incest coverage for abortion to cases of "forcible" rape or incest that are "reported to a law enforcement agency." The Buyer amendment passed 30-29.

May 26, 1999 during Senate floor consideration of the FY 00 National Defense Authorization Act, Senators Murray and Snowe offered an amendment to

repeal the ban on privately funded abortions at overseas military hospitals. The Murray-Snowe amendment was tabled (killed) by a vote of 51-49.

June 9, 1999 during House floor consideration of the FY 00 National Defense Authorization Act, Representatives Sanchez and Meek offered an amendment to repeal the ban on privately funded abortions at overseas military hospitals. The Sanchez-Meek amendment was rejected 203-225.

September 15, 1999 House passed, by a vote of 375-45, the conference report on the Defense Authorization bill. The conference report includes last year's language banning access to privately funded abortions at overseas military facilities, with exceptions for rape and incest. The DoD will continue to pay for abortion in cases of life endangerment. The language limiting rape and incest coverage for abortion to cases of "forcible" rape or incest that are "reported to a law enforcement agency" was eliminated from the conference report.

September 22, 1999 Senate passed, by a voice vote, the conference report on the Defense Authorization bill. The conference report includes last year's language banning access to privately funded abortions at overseas military facilities, with exceptions for rape and incest. The DoD will continue to pay for abortion in cases of life endangerment. The language limiting rape and incest coverage for abortion to cases of "forcible" rape or incest that are "reported to a law enforcement agency" was eliminated from the conference report.

October 5, 1999 President Clinton signed the bill into law, PL 106-65.

THIS YEAR'S FY 01 CONGRESSIONAL ACTION

May 4, 2000 during the House Armed Services Committee mark-up of the FY 01 National Defense Authorization Act, Representative Sanchez offered an amendment to repeal current law prohibiting servicewomen and military dependents stationed overseas from obtaining privately funded abortions at overseas military facilities. The amendment failed on an 8-8 tie vote.

May 4, 2000 Senate Armed Services Military Personnel Subcommittee approved the FY 01 National Defense Authorization Act. No attempt was made to repeal current law prohibiting servicewomen and military dependents stationed overseas from obtaining privately funded abortions at overseas military facilities

May 10, 2000 during the House Armed Services Committee mark-up of the FY 01 National Defense Authorization Act, Representative Sanchez offered an amendment to repeal the ban on privately funded abortions at overseas military hospitals. The amendment failed 20-31.

The Committee also considered an amendment by Representative Abercrombie to expand the exception to the current-law ban on DoD-funded abortions to include cases of rape and incest, as well as life endangerment. The amendment would make DoD funding for abortion consistent with the

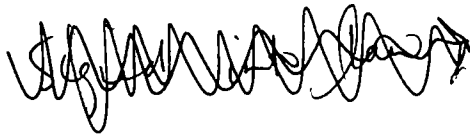
current Hyde Amendment, which requires Medicaid funding for low-income women, not only in the case of life endangerment, but also in cases of rape and incest. The amendment failed 26-29.

May 11, 2000 Senate Armed Services Committee approved the FY 01 National Defense Authorization Act. No attempt was made to repeal the ban on privately-funded abortions at overseas military hospitals.

May 18, 2000 during House floor consideration of the FY 01 National Defense Authorization Act, Representative Sanchez offered an amendment to repeal the ban on privately funded abortions at overseas military hospitals. The Sanchez amendment was rejected 195-221.

June 20, 2000 during Senate floor consideration of the FY 01 National Defense Authorization Act, Sens. Murray and Snowe offered an amendment to repeal the ban on privately funded abortions at overseas military hospitals. The Murray-Snowe amendment was rejected 49-50.

NARAL 6/21/00

A handwritten signature in black ink, appearing to be "L. J. ...", written in a cursive style.