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February 4, 2011

"Forcible Rape" Clause Removed from Chris Smith Bill

Following an outcry from women's rights groups and others, House Republicans have removed the "forcible" to describe the rape exception in H.R. 3, an anti-abortion bill introduced by Rep. Chris Smith (R-NJ), Congressional Pro-Life Caucus Co-Chair, with the support of House Speaker John Boehner (R-OH) and Majority Leader Eric Cantor (R-VA).

The bill, which purports to prohibit taxpayer funding of abortions and ensure that healthcare reform law does not cover the cost of abortions, had provided for an exception only when the woman's life is endangered, in cases of "forcible" rape, or in cases of incest if the woman was a minor. The exemption in the bill will now cover all forms of rape.

HR 3, which has a short title of "No Tax-Payer Funding for Abortion Act," goes far beyond that issue. If passed, the bill would permanently ban women in the military from obtaining an abortion in a military hospital overseas, even if they pay for it with their own (not federal) funds. This is particularly important to women stationed in areas where local clinics may be unsafe. Moreover, Americans who have private insurance plans that include abortion coverage would have to pay tax penalties, and federal workers who pay their own insurance premiums out of pocket would nonetheless be prohibited from having abortion coverage in their insurance.

Organizations including the Feminist Majority Foundation, the National Women's Law Center, Emily's List, and MoveOn.org, criticized the Smith bill, for changing the definition of rape to exclude statutory rape, date rape, drug-facilitated rape, and other instances when the woman was unconscious or otherwise unable to give consent. Steph Sterling, a lawyer and senior adviser at the National Women's Law Center, explained, "It speaks to a distinction between rape where there must be some element of force in order to rise to the standard, and rape where there is not. The concern here is that it takes us back to a time where just saying no was not enough."

The Subcommittee on the Constitution of the House Judiciary Committee will hold a hearing next Tuesday on the bill.

Media Resources: Washington Post 2/3/11; Politico 2/3/11; Statement of National Women's Law Center 2/1/11; Committee on Judiciary 2/2/11; Huffington Post 2/2/11; Mother Jones 1/28/11; Feminist Daily Newswire 1/21/11, 1/10/11, 1/6/11

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