

118TH CONGRESS
1ST SESSION

H. R. 1297

To amend title 10, United States Code, to prohibit the Secretary of Defense from paying or reimbursing expenses relating to abortion services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2023

Mr. JACKSON of Texas (for himself, Mr. ROY, Mr. FALLON, Mr. WITTMAN, Mr. JOHNSON of Louisiana, Mr. WALTZ, Mr. LAMBORN, Mr. MCCORMICK, Mr. FINSTAD, Mr. ALFORD, Mr. WENSTRUP, Mr. SMITH of New Jersey, Mr. DUNCAN, Mr. ELLZEY, Mr. MOOLENAAR, Mr. WEBER of Texas, Mrs. BOEBERT, Mr. SESSIONS, Mr. BABIN, Mr. CLYDE, Mr. MANN, Mr. MAST, Ms. VAN DUYNE, Mr. GOODEN of Texas, Mr. GOOD of Virginia, Mr. ESTES, Mrs. MILLER of Illinois, Mr. BISHOP of North Carolina, Mr. NORMAN, Mr. WESTERMAN, Mr. OGLES, Mr. HIGGINS of Louisiana, Mr. GOSAR, Mr. RUTHERFORD, Mr. BRECHEEN, Mr. PFLUGER, Mr. STEUBE, Mr. POSEY, Mr. GROTHMAN, and Mr. BANKS) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to prohibit the Secretary of Defense from paying or reimbursing expenses relating to abortion services, 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,*

1 **SECTION 1. PROHIBITION ON PAYMENT AND REIMBURSE-**
2 **MENT BY DEPARTMENT OF DEFENSE OF EX-**
3 **PENSES RELATING TO ABORTION SERVICES.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) consistent with section 1093 of title 10,
7 United States Code, the Department of Defense may
8 not use any funds for abortions except where the life
9 of the mother would be endangered if the fetus were
10 carried to term or in a case in which the pregnancy
11 is the result of an act of rape or incest;

12 (2) the Secretary of Defense has no legal au-
13 thority to implement any policies in which funds are
14 to be used for such purpose; and

15 (3) the Department of Defense Memorandum
16 titled “Ensuring Access to Reproductive Health
17 Care”, dated October 20, 2022, is therefore unlawful
18 and must be rescinded.

19 (b) REPEAL OF MEMORANDUM.—

20 (1) REPEAL.—The Department of Defense
21 memorandum titled “Ensuring Access to Reproduc-
22 tive Health Care”, dated October 20, 2022, shall
23 have no force or effect.

24 (2) PROHIBITION ON AVAILABILITY OF FUNDS
25 TO CARRY OUT MEMORANDUM.—No funds may be
26 obligated or expended to carry out the memorandum

1 specified in paragraph (1) or any successor to such
2 memorandum.

3 (c) PROHIBITION.—Section 1093 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new subsection:

6 “(c) PROHIBITION ON PAYMENT OR REIMBURSE-
7 MENT OF CERTAIN FEES.—(1) The Secretary of Defense
8 may not pay for or reimburse any fees or expenses, includ-
9 ing travel expenses, relating to a health-care professional
10 gaining a license in a State if the purpose of gaining such
11 license is to provide abortion services.

12 “(2) In this subsection:

13 “(A) The term ‘health-care professional’ means
14 a member of the armed forces, civilian employee of
15 the Department of Defense, personal services con-
16 tractor under section 1091 of this title, or other in-
17 dividual who provides health care at a military med-
18 ical treatment facility.

19 “(B) The term ‘license’ has the meaning given
20 that term in section 1094 of this title.”.

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