

**Title 10 - Armed Forces**  
**Subtitle A - General Military Law**  
**Part II - Personnel**  
**Chapter 55 - Medical And Dental Care**

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## § 1093. Performance of abortions: restrictions

(a) Restriction on Use of Funds.—Funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term **or in a case in which the pregnancy is the result of an act of rape or incest.**

(b) Restriction on Use of Facilities.—No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest.

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### NOTES

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#### Source

(Added Pub. L. 98-525, title XIV, Sec. 1401(e)(5)(A), Oct. 19, 1984, 98 Stat. 2617; amended Pub. L. 104-106, div. A, title VII, Sec. 738(a), (b)(1), Feb. 10, 1996, 110 Stat. 383; **Pub. L. 112-239, div. A, title VII, Sec. 704, Jan. 2, 2013, 126 Stat. 1800.**)

#### Prior Provisions

Provisions similar to those in subsec. (a) of this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, Sec. 101(h) [title VIII, Sec. 8044], Oct. 12, 1984, 98 Stat. 1904, 1931.

Pub. L. 98-212, title VII, Sec. 751, Dec. 8, 1983, 97 Stat. 1447.

Pub. L. 97-377, title I, Sec. 101(c) [title VII, Sec. 755], Dec. 21, 1982, 96 Stat. 1833, 1860.

Pub. L. 97-114, title VII, Sec. 757, Dec. 29, 1981, 95 Stat. 1588.

Pub. L. 96-527, title VII, Sec. 760, Dec. 15, 1980, 94 Stat. 3091.

Pub. L. 96-154, title VII, Sec. 762, Dec. 21, 1979, 93 Stat. 1162.

Pub. L. 95-457, title VIII, Sec. 863, Oct. 13, 1978, 92 Stat. 1254.

#### Amendments

**2013—Subsec. (a). Pub. L. 112-239 inserted "or in a case in which the pregnancy is the result of an act of rape or incest" before period at end.**

1996—Pub. L. 104-106, Sec. 738(b)(1), amended section catchline generally, substituting "Performance of abortions: restrictions" for "Restrictions on use of funds for abortions".

Pub. L. 104-106, Sec. 738(a), designated existing provisions as subsec. (a), inserted subsec. heading, and added subsec. (b).

#### Effective Date

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

DHA Version - March 2009

**Privately Funded Abortions At Military Hospitals**

Memorandum of the President of the United States, Jan. 22, 1993, 58 F.R. 6439, provided: Memorandum for the Secretary of Defense Section 1093 of title 10 of the United States Code prohibits the use of Department of Defense ("DOD") funds to perform abortions except where the life of a woman would be endangered if the fetus were carried to term. By memoranda of December 21, 1987, and June 21, 1988, DOD has gone beyond what I am informed are the requirements of the statute and has banned all abortions at U.S. military facilities, even where the procedure is privately funded. This ban is unwarranted. Accordingly, I hereby direct that you reverse the ban immediately and permit abortion services to be provided, if paid for entirely with non-DOD funds and in accordance with other relevant DOD policies and procedures. You are hereby authorized and directed to publish this memorandum in the Federal Register.  
William J. Clinton.