

HELMS AMENDMENT AND THE GLOBAL GAG RULE – WHAT’S THE DIFFERENCE?

HELMS AMENDMENT



GLOBAL GAG RULE

AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

(remains in effect until change to the permanent authorizing statute for foreign aid programs is enacted into law)

- Recipient country governments
- Non-U.S. nongovernmental organizations (NGOs)
- U.S. NGOs
- Multilateral organizations

FUNDING PROHIBITION

Restricts the use of U.S. foreign assistance for prohibited abortion-related activities

“Pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions”

Any nongovernmental or multilateral organization that is involved in abortion-related activity, including delivery of abortion services or counseling and referral for abortion

First enacted into law in 1973

Named for its author, the late Senator Jesse Helms (R-NC)

Reiterated in the annual appropriations bill passed by Congress and signed by the president each year

Leahy amendment clarified in 1994 that the term “motivate” is not to be construed to prohibit, where legal, the provision of information and counseling on “all pregnancy options” (included in annual appropriation bills)

LEGAL STATUS



AFFECTED ORGANIZATIONS



TYPE OF RESTRICTION



PROHIBITED ACTIVITIES



PRIMARY TARGETS OF THE RESTRICTIONS



HISTORY



EXECUTIVE BRANCH POLICY IMPOSED UNDER PRESIDENTIAL AUTHORITY

(remains in effect until rescinded by the president)

Non-U.S. NGOs only

ELIGIBILITY CONDITION

Organization is rendered ineligible for U.S. global health assistance if it engages in the prohibited activities (prior to the Trump administration, applied only to U.S. family planning assistance)

Perform abortion, counsel and refer for abortion or advocate for abortion law liberalization, even if activities are supported with non-U.S. funds

Any non-U.S. global health NGO engaged in restricted abortion-related activity

Also known as the “Mexico City Policy,” announced at the 1984 International Conference on Population

In effect from 1984 to 1993 under Presidents Reagan and Bush. Not in effect from 1993 to 2001 under President Clinton

Reinstated from 2001 to 2009 under President George W. Bush. Not in effect from 2009 to 2017 under President Obama

Expanded version extending the restrictions to all global health assistance (known as “Protecting Life in Global Health Assistance” or PLGHA) in effect from 2017 to 2021 under President Trump. Not in effect from 2021 to present under President Biden