

# Time Is Up for the Helms Amendment

## Understanding the Helms Amendment

The Helms amendment is a long-standing legislative restriction on U.S. foreign assistance that hampers critical efforts to address the serious problem of unsafe abortion around the world. The amendment prohibits the use of U.S. foreign assistance funds to pay for the “performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions.”<sup>1</sup>

This amendment to the Foreign Assistance Act was introduced by its namesake, the late Senator Jesse Helms (R-NC), and enacted by Congress in 1973. The provision is also reiterated in the annual Department of State and Foreign Operations appropriations bill.<sup>2</sup>

## The Helms Amendment Hurts

Abortion is a safe medical procedure when carried out following medical guidance. However, for many women living in low- and middle-income countries, access to safe abortion and other reproductive health services is often limited. Each year, 35 million women around the world undergo an unsafe abortion.<sup>3</sup> Procedures performed by those lacking sufficient skills, in environments that don’t meet minimum medical standards or are using methods that are outdated or dangerous — such as the ingestion of caustic substances or insertion of foreign objects — can lead to severe complications, including hemorrhage, infection and even death.<sup>4</sup> As a result, unsafe abortions are a leading cause of maternal morbidity and mortality.<sup>5</sup>



The Helms amendment prevents the United States from adequately addressing this issue and arguably exacerbates it by creating and reinforcing barriers to safe abortion access. The United States is one of the world’s largest providers of global health assistance, including reproductive health. In communities that rely heavily on this assistance, the U.S. prohibition on using its funds to provide the full range of comprehensive quality reproductive health services means that safe abortion care may be out of reach or simply nonexistent for many. The policy has restricted access for health care providers to necessary equipment and drugs, and — despite clarifications to the policy to allow for the provision of information regarding abortion or referrals — confusion and an overabundance of caution have led to unnecessary censorship.<sup>6</sup>

Although legal abortion is still restricted in many countries creating a significant barrier to care, campaigns to advance reproductive rights and initiatives to reduce

## POLICY RECOMMENDATIONS

- Cosponsor the Abortion Is Health Care Everywhere Act to repeal the Helms amendment.
- Support the removal of the Helms amendment from the annual Department of State and Foreign Operations appropriations bill.
- The president should instruct the Department of State and the U.S. Agency for International Development (USAID) to allow funds to be provided for abortion services, where permitted, in cases of rape, incest or life endangerment in countries receiving U.S. foreign assistance.

maternal mortality have led to many countries liberalizing their abortion laws in recent decades. Yet, the Helms amendment bans U.S. funds from being used for a medical procedure that is both legal in the United States and under some or all circumstances in many of the nearly 40 countries where USAID operates family planning and reproductive health programs.<sup>7,8</sup>

### Abortion “as a Method of Family Planning”

Over implementation further exacerbates the harms of the Helms amendment. Although the amendment clearly states that U.S. funds cannot be used to provide abortion “as a method of family planning,” it has been interpreted and implemented as a near-total ban on funding abortion. No

exceptions are currently made for pregnancies that result from rape or incest or endanger a woman’s life. These exceptions are considered standard and most other federal laws and policies governing domestic abortion funding already explicitly include them.

### Time to Change the Law of the Land

Having been in place for more than four decades, many have come to accept the Helms amendment, as well as the Hyde amendment, which restricts the use of federal funds to cover abortion services under domestic health programs managed by the Department of Health and Human Services, as the law of the land. It is time to change that.

Safe abortion care should be a right for all, not a privilege

reserved for those who can afford to access it. Individuals face enough barriers in exercising their sexual and reproductive rights. U.S. policies should not be one of these barriers. It is time for the United States to provide the full range of comprehensive, quality reproductive health services that women need and deserve.

### What’s the Difference between the Helms Amendment and the Global Gag Rule?

The Helms amendment is sometimes confused with a different U.S. restriction on reproductive health funding — the Global Gag Rule. The Helms amendment prohibits organizations from using U.S. foreign assistance funds to provide abortions, while the Global Gag Rule goes even further by requiring foreign organizations to give up their right to use their own, non-U.S. funds to provide information, referrals or services for legal abortion or advocate for the legalization of abortion in their countries as a condition of receiving U.S. global health assistance. The Helms amendment is a permanent law and must be changed legislatively, while the Global Gag Rule is an executive branch policy put in place by Republican administrations and repealed by Democratic administrations.<sup>9</sup>



### References

- 1 Section 104(f)(1) of the Foreign Assistance Act of 1961, 22 USC §§2151b(f)(1). <https://www.law.cornell.edu/uscode/text/22/2151b>
- 2 Further Consolidated Appropriations Act, 2020. (P.L. 116-94), Division G — Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020, Title III and Title VII (Section 7018). <https://www.congress.gov/116/plaws/publ94/PLAW-116publ94.pdf>
- 3 Sully, E., Biddlecom, A., Darroch, J.E., Riley, T., Ashford, L.S., Lince-Deroche, N., et al. (2020). Adding It Up: Investing in Sexual and Reproductive Health 2019. <https://www.guttmacher.org/report/adding-it-up-investing-in-sexual-reproductive-health-2019>
- 4 World Health Organization. (2019, June 26). Preventing unsafe abortion. <https://www.who.int/news-room/fact-sheets/detail/preventing-unsafe-abortion>
- 5 Ibid.
- 6 Barot, S. (2013). Abortion Restrictions in U.S. Foreign Aid: The History and Harms of the Helms Amendment. *Guttmacher Policy Review*, 16(3). <http://www.guttmacher.org/pubs/gpr/16/3/gpr160309.html>
- 7 U.S. Agency for International Development. (2020). Family Planning and Reproductive Health. <https://www.usaid.gov/global-health/health-areas/family-planning>
- 8 Center for Reproductive Rights. (2019, April 26). The World’s Abortion Laws. <https://reproductiverights.org/worldabortionlaws>
- 9 PAI. (2019, August). *Understanding the Policy*. <https://trumpglobalgagrule.pai.org/understanding-the-policy>