



NO EXCEPTIONS

HOW THE HELMS AMENDMENT HURTS WOMEN AND ENDANGERS LIVES

What is the Helms Amendment?

The Helms Amendment is a longstanding legislative restriction on the U.S. government's international family planning and reproductive health program 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." 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 included in the annual Department of State and Foreign Operations appropriations bill.

The Helms amendment bans U.S. funds from being used for a medical procedure that is both legal in the United States and legal under some circumstances in many of the more than 45 countries where the United States Agency for International Development (USAID) operates family planning and reproductive health programs.^{1,2}

Abortion "as a method of family planning"

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 a pregnancy that is a result of rape or incest, or a pregnancy that endangers a woman's life. Women in these circumstances are not seeking an abortion as a method of family planning, so providing services to these women should not be prohibited.

Most other federal laws and policies governing abortion funding both domestically and internationally already include explicit exceptions in cases of rape, incest, or life endangerment. The Hyde Amendment, which bans the use of federal funds to cover abortion services under domestic health

The Difference Between Helms and the Global Gag Rule

The Helms Amendment is sometimes confused with another U.S. restriction on reproductive health funding, the Global Gag Rule (also known as the Mexico City Policy). The Helms Amendment prohibits organizations from using **U.S. foreign assistance funds** to provide abortions, while the Global Gag Rule requires 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. family planning assistance.

Another key distinction is that the Helms Amendment is part of permanent law and remains in effect until a change in the statute is enacted, while the Global Gag Rule is an executive branch policy imposed under presidential authority. President Obama rescinded the Bush administration's Global Gag Rule shortly after taking office in 2009.



programs managed by the Department of Health and Human Services, includes these exceptions.

Likewise, when President George W. Bush reinstated the Global Gag Rule in 2001, the order explicitly stated that abortion is a "method of family planning when it is done for the purpose of spacing births," and that an abortion performed in cases of rape, incest or life endangerment "is not a family planning act."³

In general, these exceptions have enjoyed bipartisan acceptance, if not support, and are now considered standard in most federal legislation and policies regarding the funding and provision of abortion services.



The Helms Amendment Hurts

Each year 47,000 women around the world die from complications of unsafe abortions and millions more face debilitating injuries.⁴ The majority of these women live in developing countries where access to safe abortion and other reproductive health services is often limited. The Helms Amendment prevents the United States from adequately addressing this issue by prohibiting our foreign assistance programs from providing the full range of comprehensive, quality reproductive health services that women need and deserve.

Under the current interpretation of the Helms Amendment, U.S. foreign assistance funds cannot be used by reproductive health programs overseas even to meet the needs of some of the world's most vulnerable women. Nearly one in three women will face physical and/or sexual violence during the course of her life. Data from the World Health Organization (WHO) shows that women who have experienced violence are nearly twice as likely to have an abortion, regardless of whether or not safe abortion care is available.⁵ The WHO's clinical and policy guidelines for responding to sexual violence also recommend that safe abortion should be offered to women who have become pregnant as result of rape, where permissible by local law.⁶

Policy Recommendations

As advocates of women's health and rights, we seek the Congressional repeal of the Helms Amendment in its entirety. However, until that time, President Obama can reduce the harm of the Helms amendment by immediately instructing USAID and the State Department to allow abortion services in cases of rape, incest, and life endangerment.

Sources

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