



# The Time is Now: Repeal the Helms Amendment

Despite progress being made in liberalizing abortion laws globally, too many people living in low- and middle-income countries still struggle to access safe and legal abortion care because of the Helms Amendment. Women and girls living in countries receiving foreign aid from the U.S. are bearing the brunt of a political debate in which they have no vote or voice. U.S. policy should not restrict access to legal abortion care, but the Helms Amendment does just that.

## What is the Helms Amendment?

The Helms Amendment was passed in 1973 as part of the policy backlash over the U.S. Supreme Court's *Roe v. Wade* decision. The amendment prohibits the use of any U.S. foreign assistance funding for "abortion as a method of family planning." Despite its originally stated intent, the amendment has been overinterpreted by many policymakers as an outright ban on any abortion-related services and information — even in cases of rape, incest, or a life-threatening pregnancy.

The amendment is embedded in the *Foreign Assistance Act of 1961*, but it has also been renewed annually as part of the State and Foreign Operations Appropriations bill. The Biden administration can review and make much needed changes in the regulatory interpretation and implementation of the Helms amendment. Statutory changes or lifting of the restrictions on appropriated funds will require the approval of Congress.

**"Make no mistake, the Helms Amendment is all about limiting people's power to make their own decisions about their bodies, their health and their families. But it's only certain people that are most impacted by this policy — Black and Brown individuals living in the Global South. It's their lives that are endangered and their futures at risk — people with no voting power in the United States and no say in U.S. foreign policy." — Anu Kumar and Serra Sippel, "It's past time to be rid of the legacy of Jesse Helms," *The Hill*, August 7, 2020**

The Helms Amendment is harmful U.S. policy that unjustly burdens impoverished people around the world and effectively interferes with foreign governments' efforts to liberalize national abortion laws. Public support for the Helms Amendment has fallen over time, and recent national polling shows that a majority of U.S. voters are in support of funding for global health programs that provide a full range of reproductive health services, including abortion.<sup>1</sup>

## The Impact of the Helms Amendment

The Helms Amendment is a racist policy that prevents already marginalized people from accessing essential health care. The amendment denies U.S. aid recipients in low- and middle-income countries the safe and affordable abortion care they need and want. Black and Brown communities, in particular, have been adversely affected.

By restricting access to legal abortion services, the Helms Amendment forces disenfranchised groups into pursuing unsafe alternatives. Research shows that individuals still seek abortion even in settings where it is restricted.<sup>2</sup> Abortions occur in the 40 countries around the world where the U.S. provides international family planning and reproductive health assistance; the procedures are just more likely to be unsafe because of the Helms Amendment.

Abortion rates in low- and middle-income countries are two to three times greater than the abortion rates in high-income countries.<sup>3</sup> In Africa and Latin America, where much of U.S. funding for global health is directed, an estimated three out of four abortions are unsafe.<sup>4</sup> Restricting abortion forces women to undergo unsafe and clandestine procedures with devastating results.<sup>5</sup> Around the world, more than 35 million women and girls have unsafe abortions annually, resulting in millions of serious injuries and 23,000 maternal deaths every year.<sup>6,7</sup>

Confusion over the interpretation and implementation of the Helms Amendment has had a chilling impact on USAID's willingness

to promote access to safe and legal abortion services even in cases of rape, incest, or a life-threatening pregnancy. After Kenya adopted a new constitution in 2010 permitting abortions when the mother's life is in danger, USAID officials declined to participate in a subsequent meeting hosted by Kenya's Ministry of Health to discuss the implementation of the new constitutional provision. Without U.S. support and cooperation, the Ministry withdrew the proposed policy standards and guidelines for safe abortion in a country where unsafe abortion is the leading cause of maternal morbidity and mortality.<sup>8,9</sup>

**“Under policies like the Helms Amendment, health providers like me are essentially bound by bureaucratic red tape — enforced by a government on the other side of the globe.”**

— Dr. Monica Oguttu, founder and Executive Director of the Kisumu Medical and Education Trust (KMET) in Kenya

The Helms Amendment is directly contributing to poor health outcomes by creating confusion among providers, reducing the quality of reproductive health services, and reinforcing abortion stigma.<sup>10</sup> In Nepal, a country that has significantly liberalized its abortion laws, the Helms Amendment has reduced the availability of safe and legal abortion services, leaving many to seek unsafe alternatives.<sup>11</sup> While USAID supports post-abortion care, the agency cannot procure the instruments needed to provide that care due to the restrictions imposed by the Helms Amendment.<sup>12</sup> This has contributed to widespread equipment shortages in Nepal and inhibited efforts aimed at decreasing maternal mortality.

## A Legislative Solution

Congress could end the Helms Amendment by passing legislation like the *Abortion is Health Care Everywhere Act*. If enacted, the *Abortion is Health Care Everywhere Act* would repeal the Helms Amendment and replace it with language explicitly stating that U.S. foreign assistance funding can be used to provide comprehensive reproductive health care services and information, that includes abortion services, training, and equipment.<sup>15</sup> This policy change is crucial if the U.S. is to remain a respectable leader in global health assistance. The Helms Amendment is bad health policy and bad foreign policy; it is long past time for it to go.



## THE COST OF THE HELMS AMENDMENT

The Helms Amendment is a costly policy, both in terms of health and economic status of the countries that receive U.S. aid. Research conducted by the Guttmacher Institute shows that without the Helms Amendment, there would be 19 million fewer unsafe abortions, 17,000 fewer maternal deaths, and 12 million fewer women with abortion-related medical complications every year.<sup>13</sup> Additionally, if the Helms Amendment were to be repealed, the costs of abortion care would decline by 89 percent and there would be net savings of \$641 million annually for each health system impacted by this harmful policy.<sup>14</sup> Repealing this amendment is critically important for the health and economic status of communities.

- Hart Research Associates. (2020, January). *New Polling Shows That a Majority of Voters Favor Overturning Policy That Prohibits U.S. Funding Of Global Health Programs That Provide Abortion Access*. <https://ipas.azureedge.net/files/Helms%20Public%20Release%20Memo-branded.pdf>
- Bearak, J., Popinchalk, A., Ganatra, B., Moller, A., Tunçalp, Ö., Beavin, C., Kwok, L., & Alkema, L. (2020, July 23). *Unintended pregnancy and abortion by income, region, and the legal status of abortion: estimates from a comprehensive model for 1990-2019*. Guttmacher Institute. <https://www.guttmacher.org/article/2020/07/unintended-pregnancy-and-abortion-income-region-and-legal-status-abortion-estimates>
- Guttmacher Institute. (2020, July 23). *Unintended pregnancy and abortion vary across country income groups*. <https://www.guttmacher.org/infographic/2020/unintended-pregnancy-and-abortion-vary-across-country-income-groups>
- WHO. (2020, September 25). *Preventing unsafe abortion*. World Health Organization. <https://www.who.int/news-room/fact-sheets/detail/preventing-unsafe-abortion>
- Cohen, S. A. (2016, December 6). *Access to Safe Abortion in the Developing World: Saving Lives While Advancing Rights*. Guttmacher Institute. <https://www.guttmacher.org/gpr/2012/10/access-safe-abortion-developing-world-saving-lives-while-advancing-rights>
- Ipas. (2020, July 29). *History in the making: A call to repeal the Helms Amendment*. <https://www.ipas.org/news/history-in-the-making-a-call-to-repeal-the-helms-amendment/>
- Sully, E., & Ahmed, Z. (2021, February 23). *The Case for Ending the Global Gag Rule and the Helms Amendment*. Guttmacher Institute. <https://www.guttmacher.org/article/2021/02/case-ending-global-gag-rule-and-helms-amendment#>
- Ipas & Ibis Reproductive Health. (2015). *U.S. Funding for Abortion: How the Helms and Hyde Amendments Harm Women and Providers*. <https://ibisreproductivehealth.org/sites/default/files/files/publications/Ibis%20Ipas%20Helms%20Hyde%20Report%202016.pdf>
- Center for Reproductive Rights. (2020, June). *A Decade of Existence: Tracking Implementation of Article 26(4) of the Constitution*. [http://reproductiverights.org/sites/default/files/documents/A-Decade-of-Existence-Kenya\\_0.pdf](http://reproductiverights.org/sites/default/files/documents/A-Decade-of-Existence-Kenya_0.pdf)
- Ipas & Ibis Reproductive Health. (2015). *U.S. Funding for Abortion: How the Helms and Hyde Amendments Harm Women and Providers*. <https://ibisreproductivehealth.org/sites/default/files/files/publications/Ibis%20Ipas%20Helms%20Hyde%20Report%202016.pdf>
- Ipas. (2020). *Focus on Nepal: The Harmful Impact of the Helms Amendment on People Seeking Abortion Care*. <https://www.ipas.org/wp-content/uploads/2020/09/Focus-on-Nepal-The-harmful-impact-of-the-Helms-Amendment-on-people-seeking-abortion-care-HLMNPN20.pdf>
- Samandari, G., Wolf, M., Basnett, I., Hyman, A., & Andersen, K. (2012). Implementation of legal abortion in Nepal: a model for rapid scale-up of high-quality care. *Reproductive Health*, 9(1), 1–11. <https://doi.org/10.1186/1742-4755-9-7>
- Sully, E., & Ahmed, Z. (2021, February 23). *The Case for Ending the Global Gag Rule and the Helms Amendment*. Guttmacher Institute. <https://www.guttmacher.org/article/2021/02/case-ending-global-gag-rule-and-helms-amendment#>
- Sully, E., & Ahmed, Z. (2021, February 23). *The Case for Ending the Global Gag Rule and the Helms Amendment*. Guttmacher Institute. <https://www.guttmacher.org/article/2021/02/case-ending-global-gag-rule-and-helms-amendment#>
- Abortion is Health Care, Everywhere*. (2020). Repeal the Helms Amendment. <https://repealhelms.org>