



Secretariat of Pro-Life Activities

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Backgrounder: Hyde Amendment

The Hyde Amendment, contained in the federal government's annual appropriations legislation, prohibits federal funding of domestic abortions, except in cases of rape, incest or to save the life of the mother. It is a bipartisan provision that has been part of federal appropriations for 45 years (since 1976) and enjoys overwhelming public support, including strong support from low-income women, and women of color.¹ In addition to being widely supported by Americans, it saves lives and respects the consciences of Americans. However, it is now under grave threat.

Threats to the Amendment

During his campaign for President, Joe Biden changed his position on the Hyde Amendment and is now committed to its repeal.² The Hyde Amendment has also already been targeted for repeal by Speaker Pelosi for the 2021 legislative year, and newly-selected House Appropriations Chair Rosa DeLauro has announced that it will NOT be included in the next round of appropriations.³ Now, with the White House and both Houses of Congress controlled by Democrats, the Hyde Amendment and similar pro-life policies face the most serious threat to their existence since being enacted.

Three Serious Outcomes if We Lose the Hyde Amendment

This is a very serious situation for several reasons. First, the Hyde Amendment has been credited with saving nearly 2.5 million lives since its enactment in 1976, so its elimination will likely result in a significant increase in abortions.⁴

Second, the Hyde Amendment has represented a bipartisan “compromise” position on abortion. Regardless of one's view on the legality of abortion, there has been a consensus that taxpayers should not have to fund and encourage it. Furthermore, the amendment has been enacted and signed into law every year since its inception whether the Congress and the White House were led by Republicans or Democrats.

Third, the Hyde Amendment has served as the model for dozens of other federal and state policies that prohibit the government from funding abortion in other areas (for example, in trafficking programs, community health programs, or health insurance). Rescinding the amendment would even impose a pro-abortion-funding policy on states that have decided against it. With the Hyde Amendment in place, states choose whether or not to fund elective abortions with state taxes, and the people and elected representatives of 34 states have voluntarily chosen *not* to do so.⁵ Without the Hyde Amendment,

¹ Do you support or oppose the Hyde amendment? YouGov, 2016 Poll.

https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/8bylijohx4/tabs_OP_Hyde_Amendment_20160808.pdf.

² “Vice President Biden supports repealing the Hyde Amendment because health care is a right that should not be dependent on one's zip code or income. And, the public option will cover contraception and a woman's constitutional right under *Roe v. Wade*.” <https://joebiden.com/womens-agenda/>.

³ <https://twitter.com/jenhab/status/1299423789000929284> and <https://twitter.com/rosadelauro/status/1333538158433214465>.

⁴ M.J. New, “Addendum to Hyde @ 40: Analyzing the Impact of the Hyde Amendment,” Charlotte Lozier Institute, July 21, 2020, <https://lozierinstitute.org/addendum-to-hyde-40-analyzing-the-impact-of-the-hyde-amendment/>. This site also links to Dr. New's more complete 2016 study, which cites over 20 peer-reviewed studies showing that such laws help prevent abortions. The estimate of lives saved takes into account the fact that some states use their state tax dollars to replace federal abortion funding.

⁵ Guttmacher Institute, “State Funding of Abortion Under Medicaid,” September 1, 2020, <https://www.guttmacher.org/print/state-policy/explore/state-funding-abortion-under-medicare>.

abortion would likely become just another basic “service” that *all* states must fund to be part of Medicaid.

Saves Lives of Mother and Child

- In 2002, a study by the pro-abortion Guttmacher Institute found that the abortion rate among Medicaid-eligible women when their home state pays for abortions is four times higher than the rate of other women.⁶
- Before the Hyde Amendment went into effect, the federal Medicaid program was paying for almost 300,000 abortions a year for low-income women.⁷
- Research shows that the Hyde Amendment saves lives. It reduces abortion by 18% to 37% on average, with one study concluding it’s more like 50%.⁸
- **Over 2.4 million children are believed to be alive now due to the Hyde Amendment.**⁹
- By reducing abortion, the **Hyde Amendment also saves women’s lives. And after it went into effect, abortion complications for women affected by the policy went down.**¹⁰

Respects the Consciences of the American People

- Most Americans oppose use of their taxpayer dollars for abortion, and for many this is a matter of moral or religious conviction. The federal government respects conscience by staying out of the abortion business.
- The Hyde Amendment leaves the people and the legislatures of all 50 states free to provide state funds for abortion if they wish. In fact, most states have voluntarily decided to follow the amendment’s policy, sometimes by direct vote of the people.¹¹ Eliminating the Hyde Amendment would likely force every state to include elective abortions as part of their Medicaid benefits, or else be ejected from the federal Medicaid program. This would even require overriding some states’ constitutional provisions against abortion funding.¹²

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⁶ <https://www.guttmacher.org/sites/default/files/pdfs/pubs/journals/3422602.pdf>

⁷ N.B., conversely, 300,000 lives are not saved, since 17 states publicly fund abortion for Medicaid-eligible women and women can use their own resources. Conservative estimates suggest a ban on public funding of abortion in programs like Medicaid reduces abortions among women in the program by about 20 to 35 percent. <https://pubmed.ncbi.nlm.nih.gov/6995148/>

⁸ <https://lozierinstitute.org/hydeat40/>

⁹ <https://lozierinstitute.org/addendum-to-hyde-40-analyzing-the-impact-of-the-hyde-amendment/?fbclid=IwAR3Gf05YAgZ8IBEXTTwegM5vP3SC2ZkU4a-dhuMVXbX3pU189uUzm2YTfgk>

¹⁰ R.M. Selik, W. Cates, and C.W. Tyler, “Effects of restricted public funding for legal abortions: a second look,” 71(1) *Am. J. Public Health* (Jan. 1981): 77–81, at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1619707/>. Abortion supporters publicly cited one Texas woman in particular as “a martyr to the Hyde Amendment” until it was found that the policy was not responsible for her death. R. Grauel and F. Murray, “Facts Don’t Back Link of Abortion Death in Texas to Fund Cutoff,” *Ob.Gyn. News*, December 1, 1977, at 1, 26.

¹¹ Guttmacher Institute, “State Funding of Abortion Under Medicaid,” September 1, 2020; <https://www.guttmacher.org/print/state-policy/explore/state-funding-abortion-under-medicaid>.

¹² Arkansas Amendment 68 (approved by the voters in 1988); Colorado Article V, Sec. 50 (approved by the voters in 1984).