



## Secretariat of Pro-Life Activities

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194

202-541-3070 • FAX 202-541-3054 • EMAIL [PROLIFE@USCCB.ORG](mailto:PROLIFE@USCCB.ORG) • WEB [WWW.USCCB.ORG/PROLIFE](http://WWW.USCCB.ORG/PROLIFE)

### **Backgrounder: Hyde Amendment and Related Policies**

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 law for 48 years (since 1976) and enjoys strong public support.<sup>1</sup> The Hyde Amendment has been a model for dozens of other federal policies that prevent the government from funding abortion in other areas (e.g., foreign assistance programs, trafficking programs, community health programs, or health insurance). In addition to being widely supported by Americans, Hyde and Hyde-related policies save lives and respect the consciences of Americans. However, these policies are now under grave threat of being repealed.

#### **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 that of other women in the state.<sup>2</sup>
- Before the Hyde Amendment went into effect, the federal Medicaid program was paying for almost 300,000 abortions a year for low-income women.<sup>3</sup>
- Research shows that the Hyde Amendment saves lives. It reduces abortion by 18% to 37% on average, with one study concluding it’s about 50%.<sup>4</sup>
- **Over 2.5 million children’s lives have been saved** due to the Hyde Amendment.<sup>5</sup>
- By reducing abortion, the **Hyde Amendment also saves women’s lives**. After it went into effect, abortion complications among women covered by the policy declined.<sup>6</sup>

#### **Respects the Consciences of the American People**

- Most Americans oppose use of their taxpayer dollars for abortion, and for many this is a matter

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<sup>1</sup> The Marist Poll has consistently shown majority opposition to tax funding of abortion since 2015. In January 2024, both American adults and registered voters showed 53% opposition, including 50% of women, and 56% of adults earning less than \$50,000 a year and of parents with children under 18 in the home. Even 29% of those describing themselves as “pro-choice” are opposed. 59% of Republicans strongly oppose the funding, while only 33% of Democrats strongly support it. See Marist Poll, *Americans’ Opinions on Abortion* (January 2024), at [marist-poll-results2024.pdf](http://marist-poll-results2024.pdf) ([kofc.org](http://kofc.org)). Crosstabs are at [marist-poll-full-results-crosstabs2024.pdf](http://marist-poll-full-results-crosstabs2024.pdf) ([kofc.org](http://kofc.org)).

<sup>2</sup> R. Jones et al., “Patterns in the Socioeconomic Characteristics of Women Obtaining Abortions in 2000–2001,” 34(5) *Perspectives on Sexual and Reproductive Health* (Sept./Oct. 2002), 226–235 at 231; <https://www.guttmacher.org/sites/default/files/pdfs/pubs/journals/3422602.pdf>.

<sup>3</sup> See J. Gold and W. Cates, “Restriction of Federal Funds for Abortion: 18 Months Later,” 69 (9) *American Journal of Public Health* (Sept. 1979) 929-30 at 929; [amjph00694-0087.pdf](http://amjph00694-0087.pdf) ([nih.gov](http://nih.gov)). The authors said the Hyde amendment had reduced federally funded abortions to “less than one per cent” of this figure. They also predicted an increase in maternal complications and deaths, but later had to retract this claim. See note 6 below.

<sup>4</sup> A review of 38 studies of the effect of a Hyde policy concluded: “The best studies... found that 18-37 percent of pregnancies that would have ended in Medicaid funded abortions were carried to term when funding was no longer available,” with the best-designed study showing the figure as 37%. S. Henshaw et al., *Restrictions on Medicaid Funding for Abortions: A Literature Review*, Guttmacher Institute, June 2009, at 27; [https://www.guttmacher.org/sites/default/files/report\\_pdf/medicaidlitreview.pdf](https://www.guttmacher.org/sites/default/files/report_pdf/medicaidlitreview.pdf). Also see R. Jones et al., note 2 supra at 231 (Women in poverty have double the abortion rate of other women in their state, but the rate doubles again if the state provides public abortion funding).

<sup>5</sup> M. New, “Hyde @ 40: Analyzing the Impact of the Hyde Amendment with July 2020 and June 2023 Addenda,” *On Point* 95, Charlotte Lozier Institute, June 27, 2023, at <https://lozierinstitute.org/hyde-40-analyzing-the-impact-of-the-hyde-amendment-with-july-2020-and-june-2023-addenda/>. This analysis takes into account the fact that some states use their own funds for elective abortions, nullifying Hyde’s protective effect.

<sup>6</sup> “For poor women, it appears that restriction of public funding for legal abortions has not markedly increased the number of illegal abortions, but has reduced the number of legal abortions, especially those at later gestational ages, which would have cost more and been at greater risk of complications.” 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 77; [amjph00661-0079.pdf](http://amjph00661-0079.pdf) ([nih.gov](http://nih.gov)). 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.

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, nearly two-thirds of the 50 states have voluntarily decided not to fund most abortions, sometimes by direct vote of the people.<sup>7</sup> Eliminating the Hyde Amendment would likely force all states to include elective abortions as part of their Medicaid benefits, or be ejected from the federal Medicaid program. This would even ignore some states' voter-approved constitutional provisions against abortion funding.<sup>8</sup>

### **Threats to the Amendment**

President Biden opposes the Hyde amendment, and has deleted it from his proposed annual budgets for the federal government.<sup>9</sup> House Democrats now consistently indicate a desire to undo the Hyde Amendment in the annual appropriations process. A proposed federal “EACH Act,” with substantial support in both House and Senate, would eliminate *all* restraints on abortion funding throughout the federal government, exempt itself from the federal law protecting religious freedom, and declare a sense of Congress that abortion coverage should be required without restriction in all *private* health plans.<sup>10</sup> In light of these developments, the Hyde Amendment and similar policies today face the most serious threat to their existence since being enacted.

### **Serious Outcomes if the Hyde Amendment is Repealed**

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 dramatic increase in abortions.

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. The amendment has been enacted and signed into law every year since its inception, whether Congress and the White House were led by Republicans or Democrats.

Third, 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, and the people and elected representatives of most states have voluntarily chosen *not* to do so. Without the Hyde Amendment, abortion would likely become just another basic “service” that *all* states must fund to be part of Medicaid.

Updated July 2024

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<sup>7</sup> Guttmacher Institute, “State Funding of Abortion Under Medicaid,” August 31, 2023, at <https://www.guttmacher.org/node/26272/printable/print>.

<sup>8</sup> Tennessee Constitution, Article I (Declaration of Rights), Section 36 (approved by the voters 2014); West Virginia Constitution, Article VI, Section 57 (approved by the voters 2018).

<sup>9</sup> S. McCammon, “Biden’s Budget Proposal Reverses A Decades-Long Ban On Abortion Funding,” *National Public Radio*, May 31, 2021, at <https://www.npr.org/2021/05/31/1001881788/bidens-budget-proposal-reverses-a-decades-long-ban-on-abortion-funding>.

<sup>10</sup> *Equal Access to Abortion Coverage in Health Insurance Act of 2023*, H.R. 561 (186 sponsors) and S. 1031 (33 sponsors); [Text - H.R.561 - 118th Congress \(2023-2024\): EACH Act of 2023 | Congress.gov | Library of Congress](#).