



THE HELMS AMENDMENT

Per the United States Foreign Assistance Act of 1973, “No foreign assistance funds may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions.”

Introduced by Sen. Jesse Helms (R-NC), the Helms Amendment was passed as a permanent part of the Foreign Assistance Act, and has been in effect ever since. Despite the clear intent to be a limitation on abortion funding for family planning purposes, it has been interpreted and enforced by every presidential administration as an outright ban on funding abortion for any reason—even in cases of rape, incest, and threat to a woman’s life.

The Helms Amendment has been criticized as imperialistic, hypocritical (in the United States, there are important exceptions to the ban on federal funding for abortion, whereas there are none with regard to U.S. foreign assistance), and dangerous to the lives of women who will seek unsafe abortions in the absence of access to safe abortion services. Ironically, post-abortion care is permitted under the Helms Amendment, so women can procure unsafe abortions and then have the potentially deadly consequences attended to with U.S. funds. (Of course, equipment such as manual vacuum aspirators, which are often needed to treat the aftermath of unsafe abortions, cannot be purchased with U.S. aid.)

PRESIDENTIAL REINTERPRETATION

Because the Helms Amendment specifies that U.S. funds can’t be used for “abortion as a method of family planning,” there is room for the president to reinterpret the ban to include exceptions for situations outside of family planning—namely, for rape, incest, and threat to a woman’s life (in countries where such abortions are legal).

So far, no American president has reinterpreted Helms to ban only those abortions that would be classified as family planning, but all of the leading 2020 presidential candidates on the Democratic side supported repeal.

CONGRESSIONAL REPEAL

In July 2020, Rep. Jan Schakowsky (D-IL), along with Reps. Nita Lowey (D-NY), Barbara Lee (D-CA), Jackie Speier (D-CA), Ayanna Pressley (D-MA), Diana DeGette (D-CO), and Norma Torres (D-CA), introduced the Abortion is Health Care Everywhere Act (H.R. 7816). The bill, the first of its kind, would repeal the Helms Amendment and make clear that U.S. foreign assistance funds can—and should—be used to support access to abortion services around the world.

“I am 17 years old and my son is one year and six months old. I was unfortunately impregnated by unknown armed people who raped me. I had no ways to terminate the pregnancy. I did not know what to do when I discovered I was pregnant. I was afraid. I was thinking I was going to die of the pregnancy. My life has been paralyzed entirely. It is very difficult to be a mother, especially when you have to provide support to the child, when he’s sick or hungry, and you have nothing to meet these needs. I had never been lucky to go to school because my parents died when I was 11 years old. I suffered and I am suffering a lot.”

– Julie, Democratic Republic of the Congo