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US bill ends some restrictions on global funding of abortion and reproductive health

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The US House of Representatives passed a spending bill without the usual restrictions on abortion on 29 July, the same day that Republican governors and legislators asked the Supreme Court to overturn *Roe v Wade*, its 1973 ruling that permitted abortions until fetal viability.

If the spending bill is passed by the Senate, where Democrats hold a one vote majority, funding for international family planning will increase. In particular, US contributions to the United Nations Population Fund, which promotes reproductive health in about 150 countries, would almost double and would reverse cuts enacted by the previous president, Donald Trump.

The spending bill is part of a group of appropriations bills in the house that would end all federal funding restrictions on abortions. It did not include the Hyde amendment, the Helms amendment, or the “global gag” rule, which have been a common part of spending bills for nearly 50 years. These three amendments all restricted access to abortion and will no longer be funded if the bill passes.

Restrictions

The Helms amendment, created in 1973 in reaction to the *Roe v Wade* decision, prevented US foreign aid programmes from supporting family planning organisations that endorsed abortion as a method of family planning—even when the organisations’ funding for abortion counsel or care came from other sources.

The 1980 Hyde amendment prohibits the use of federal funds to pay for US women’s abortions unless the pregnancy is a risk to life or is the result of rape or incest.

The global gag rule, set forth by the Republican president Ronald Reagan in 1984, prohibits foreign non-governmental organisations from receiving US aid funds if they provide, advise about, or refer for legal abortions or if they support legal abortion reform—even using their own funds. Since then Democratic presidents have rescinded the rule and Republican presidents have reinstated it in a yo-yo performance that has left foreign healthcare organisations uncertain about funding.

Mississippi case

Meanwhile, some 12 Republican governors and 230 Republican members of Congress filed amicus briefs on 29 July asking the Supreme Court to overturn *Roe v Wade* when it considers a case about Mississippi’s ban on abortions after 15 weeks of pregnancy. They asked the court to end federal rules on abortion and allow states to regulate the procedure. The case, which involves the last remaining abortion clinic in

Mississippi, will be heard by the Supreme Court during its fall term.^{1 2}

At present the Mississippi law and similar restrictions on abortion in about 15 other states have been blocked by the courts. Two lower courts have held that the restrictions are unconstitutional.

In its opening brief before the Supreme Court, Mississippi asked the court to uphold the state’s 15 week limit and also to overturn *Roe v Wade*. The court has never before been asked to rule on the constitutionality of *Roe v Wade*: previous cases have been about various restrictions on women’s right to an abortion, such as waiting periods, ultrasounds, and counselling.

The Supreme Court rarely overturns previous decisions, but the court now has a conservative majority of judges owing to appointments by Trump.

The Center for Reproductive Rights said that if the Supreme Court overturned *Roe v Wade*, “24 states would likely take action to prohibit abortion outright. Twelve states, including Mississippi, already have ‘trigger’ bans in place that are intended to ban abortion if *Roe* is overruled.”³

The centre said in a statement: “Let’s be clear . . . If *Roe* falls, half the states in the country are poised to ban abortion entirely. Women of childbearing age in the US have never known a world in which they don’t have this basic right.”⁴ There are about 72 million women aged 16-49 in the US.

- 1 Planned Parenthood. Breaking: House passes historic spending bill package without harmful abortion bans. 29 Jul 2021. <https://www.plannedparenthood.org/about-us/newsroom/press-releases/breaking-house-passes-historic-spending-bill-package-without-harmful-abortion-bans>
- 2 Kruzel J. A dozen GOP governors urge Supreme Court to let states regulate abortion. *The Hill* 2021 Jul 29. <https://thehill.com/regulation/court-battles/565428-a-dozen-gop-governors-urge-supreme-court-to-let-states-regulate>
- 3 Center for Reproductive Rights. What if *Roe* is overturned? 27 Jul 2021. <https://reproductiverights.org/what-if-roe-is-overturned/>
- 4 Center for Reproductive Rights. Press statement: Mississippi asks Supreme Court to overturn *Roe*. 22 Jul 2021. <https://reproductiverights.org/press-statement-mississippi-asks-supreme-court-to-overturn-roe/>