

A Basic Hyde Amendment Primer

Who is Henry Hyde?

Henry Hyde will be remembered by history as the father of the modern pro-life movement for his introduction and sponsorship of the amendment that bears his name, prohibiting federal funding of abortion. Hyde first offered the amendment as a freshman member of Congress in 1976, and it remains in place to this day. The Hyde Amendment also charted a new course for the pro-life movement after 1976 by implementing a strategy to pass protective pro-life measures that would incrementally reduce the number of abortions, while continually seeking the eventual overturn of *Roe v. Wade*. That strategy has been successful in saving millions of lives from abortion.

Throughout his more than three decades in Congress, Henry Hyde was a leader for the pro-life movement and used his position as chairman of the House Judiciary Committee, and later the House International Relations Committee to advance the pro-life cause.

It is safe to say that Congressman Henry Hyde not only tried to save the most defenseless among us, but that he has succeeded on a level of which most can only dream. His efforts, his victories, his leadership, and his friendship are deeply appreciated by the National Right to Life Committee and by pro-life citizens across this nation.

After *Roe v. Wade* was handed down in 1973, various federal health programs, including Medicaid, simply started paying for elective abortions. By 1976, the federal Medicaid program was paying for about 300,000 elective abortions annually, and the number was escalating rapidly. That is why it was necessary for Congressman Henry Hyde (R-Ill.) to offer, beginning in 1976, his limitation amendment to the annual Health and

Human Services appropriations bill, to prohibit the use of funds that flow through that annual appropriations bill from being used for abortions. In a 1980 ruling (*Harris v. McRae*), the U.S. Supreme Court ruled, 5-4, that the Hyde Amendment did *not* contradict *Roe v. Wade*.

In the years after the Hyde Amendment was attached to LHHS appropriations bills, the remaining appropriations bills, as well as other government programs, were brought into line with this life-saving policy.

The Hyde Amendment is widely recognized as having a significant impact on the number of abortions in the United States, saving an estimated two million American lives.

National Right to Life believes that the Hyde Amendment has proven itself to be the greatest domestic abortion-reduction measure ever enacted by Congress. Additionally, a majority of Americans have consistently opposed taxpayer funding for abortion.

There is abundant empirical evidence that where government funding for abortion is not available under Medicaid or the state equivalent program, at least one-fourth of the Medicaid-eligible women carry their babies to term, who would otherwise procure federally funded abortions. Some pro-abortion advocacy groups have claimed that the abortion-reduction effect is substantially greater—one-in-three, or even 50 percent.

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1. Statement of the Department of Health, Education and Welfare, "Effects of Sec. 209, Labor-HEW Appropriations Bill, H.R. 14232," June 25, 1976.
 2. The 1980 *CQ Almanac* reported, "With the Supreme Court reaffirming its decision [in *Harris v. McRae*, June 30, 1980] in September, HHS ordered an end to all Medicaid abortions except those allowed by the Hyde Amendment. The department, which once paid for some 300,000 abortions a year and had estimated the number would grow to 470,000 in 1980 . . ." In 1993, the Congressional Budget Office, evaluating a proposed bill to remove limits on abortion coverage from Medicaid and all other then-existing federal health programs, estimated that the result would be that "the federal government would probably fund between 325,000 to 675,000

abortions each year.” Letter from Robert D. Reischauer, director, Congressional Budget Office, to the Honorable Vic Fazio, July 19, 1993.

3. Michael J. New, Ph.D., *Hyde @ 40 ANALYZING THE IMPACT OF THE HYDE AMENDMENT*

4. McLaughlin & Associates, November 4, 2020

5. “Discriminatory Restrictions on Abortion Funding Threaten Women’s Health,” NARAL Pro-Choice America Foundation factsheet, January 1, 2010, citing Rachel K. Jones et al., *Patterns in the Socioeconomic Characteristics of Women Obtaining Abortions in 2000-2001*, *Persp. on. Sexual & Reprod. Health* 34 (2002).

Federal Funding of Abortion and Related Issues

The Hyde Amendment and Taxpayer-funding of abortion: The Hyde Amendment is a limitation that is attached annually to the appropriations bill that includes funding for the Department of Health and Human Services, and it applies only to the funds contained in that bill, including Medicaid. Like the annual appropriations bill itself, the Hyde Amendment expires every September 30th, the end of the federal fiscal year.

The Hyde Amendment will remain in effect only for as long as the Congress and the President re-enact it for each new federal fiscal year.

Funding bans, like Hyde, have been attached to programs funded through other funding streams [e.g., international aid (Helms), the federal employee health benefits program (Smith), the District of Columbia (Dornan), Federal prisons, Peace Corps, etc.]. Together these various funding bans form a patchwork of policies that cover most federal programs and the District of Columbia, but many of these funding bans must be re-approved every year and could be eliminated at any time. H.R. 18 would make these limitations permanent.

- The Hyde Amendment has been renewed each appropriations cycle—with few changes—every year for over 40 years.
- The Hyde Amendment has enjoyed bipartisan support over the years and has been supported by Congresses controlled by both parties as well as presidents from both parties.
- It was estimated that before the Hyde Amendment took effect, the Medicaid program was paying for about 300,000 elective abortions annually, and the number was escalating rapidly. (1)
- The Hyde Amendment is estimated to have saved over 2.4 million lives. (2) National Right to Life believes that the Hyde Amendment has proven itself to be the greatest domestic abortion-reduction measure ever enacted by Congress.
- There is abundant empirical evidence that where government funding for abortion is not available under Medicaid or the state equivalent program, at least one-fourth of the Medicaid-eligible women carry their babies to term, who would otherwise procure federally funded abortions. Some pro-abortion advocacy groups have claimed that the abortion-reduction effect is substantially greater—one-in-three, or even 50 percent. (3)
- The Hyde Amendment has majority support. A January 2021 Marist poll found that 58% of Americans oppose federal funding of abortion. A November 2020 McLaughlin poll found that 64% of Americans oppose taxpayer funding of abortion. The McLaughlin poll notably found that 69% of Independents and even 49% of Democrats oppose taxpayer of abortion.