

The Hyde Amendment

The Hyde Amendment blocks United States federal funding from being used for abortion procedures, except in the cases of rape, incest, or threat to a woman's life. This means that women who have health insurance through the federal government do not have the benefit of abortion coverage.

Examples of affected programs include those that cover low-income people, military personnel, federal employees, Native Americans covered under the Indian Health Service, and Peace Corps volunteers. People who fall into these categories must pay for their abortions out of pocket, which is especially difficult for patients who are already struggling financially, as in the case of those who are poor enough to qualify for Medicaid (the federal insurance program for low-income Americans).

Different Coverage in Different States

Medicaid recipients make up the majority of people who are impacted by the Hyde Amendment — two in ten American women of reproductive age (15–44) are covered by Medicaid. Those 13.2 million women struggle to survive on salaries that don't come close to a living wage — a \$500 abortion (the average cost of a first trimester procedure) is completely out of reach.

Medicaid is funded by the federal government and by each state's government. There are currently 16 states that use their own funds to provide abortion coverage for Medicaid recipients who don't meet the federal allowed exceptions (rape, incest, threat to woman's life).¹ There are 7.15 million women of reproductive age who receive Medicaid, however, who live in the 34 states that do not cover abortion with their own funds.

Women who qualify for income-based federal subsidies when purchasing insurance from the Affordable Care Act (Obamacare) marketplace are also disqualified from receiving abortion coverage in the states that do not cover abortion outside of the Hyde exceptions.

Origins of the Amendment

Congressman Henry Hyde (a Republican representing the state of Illinois) authored the Hyde Amendment in 1976. Congress approved it in the 1977 appropriations bill, as it has done every year since then.

Potential Future Actions

Anti-abortion advocates would like to make the Hyde Amendment permanent law. Abortion rights advocates would like to see the amendment repealed.

During the 2016 election cycle, an activist representing Population Connection filmed herself asking Hillary Clinton if she would support a repeal of the policy if she were elected president, to which Ms. Clinton answered that she would. With urging from Population Connection and other abortion rights supporters, the official Democratic Platform included language supporting a repeal of Hyde for the first time:

“We will continue to oppose — and seek to overturn — federal and state laws and policies that impede a woman's access to abortion, including by repealing the Hyde Amendment.”

Donald Trump, on the other hand, called for the Hyde Amendment to become permanent law. Because the amendment is a piece of legislation, the president's position could not on its own change how or whether the policy is enforced. The president could, however, attempt to influence Congress to act in accordance with his or her position.

With Trump in office, the Hyde Amendment will continue to be the law. In the meantime, we're working to normalize the idea of federal insurance coverage of abortion, so that we're in a better position to advocate for a repeal of the policy during a future presidential administration.

¹ Officially, there are 17, but one (Arizona) is not in compliance with the court order requiring it to do so.