TIMELINE OF THE EXPANSION OF THE HELMS AMENDMENT AND RELATED ABORTION
RESTRICTIONS ON U.S. FOREIGN AID: 1973-2011

1973 First abortion-related restrictions placed on US foreign aid.

The Helms Amendment to the Foreign Assistance Act is passed. This includes censorship of abortion speech: “None of the funds made available to carry out this part [Part 1 of the Foreign Assistance Act] shall be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.” (Emphasis added). Helms Amendment to the Foreign Assistance Act, Section 104(f)(1), 22 U.S.C. §2151(b)(f)(1)(1973).

1974 USAID interprets the word “motivate” in the Helms Amendment to cover all discussions about abortion.

USAID defines “motivate” as including “information, education, training, or communication programs” as motivating abortion. USAID, Policies Relative to Abortion-Related Activities (June 16, 1974).

1978 US codifies the broad Helms Amendment prohibition of speech (“motivate”) about abortion.

48 C.F.R. 752.7016(b) (1978).

1982 USAID enforces the Helms ban on abortion speech by defunding a global research studies registry.

After being challenged in court, USAID admits that research on abortions in Tunisia and Bangladesh violates Helms. In an ensuing lawsuit, USAID concedes that the journal articles were “neutral on abortion…and not abortion advocacy.” Alan Guttmacher Institute v. McPherson, 616 F. Supp. 195 (S.D.N.Y. 1985), aff’d, 805 F.2d 1088 (2nd Cir. 1986).

1982 USAID mandates that abortion restrictive clauses be inserted in contracts or grants with foreign governments.

All USAID funded population contracts and grant agreements with private and voluntary organizations (PVOs) and host governments incorporate language to prohibit use of USAID funds for abortion-related activities. PVO sub grant agreements also incorporate such prohibitions.” USAID, Policy Paper on Population Assistance (September 1982).

1985 USAID, under the “Mexico City Policy,” expands the reach of the Helms Amendment to even the private funds of non-profit groups overseas which receive USAID funding.

President Reagan puts in place the Mexico City Policy, commonly called the “Global Gag Rule” by Executive Order. This expands Helms abortion restrictions to also ban foreign non-governmental organizations from performing or promoting abortion using funds generated from any source as a condition for receiving USAID family planning assistance.

1986 US Congress begins inserting abortion restrictive language into various annual State-Foreign Appropriations bills.

Although the Helms Amendment to the FAA remained in place as federal law, Beginning in 1986, Congress additionally put abortion restrictive language in appropriations bills. P.L. 99-190 1986 - Sec. 541.

1993 President Clinton lifts the Global Gag Rule, leaving the Helms Amendment and other statutory abortion restrictions intact.

“These excessively broad anti-abortion conditions are unwarranted. I am informed that the conditions are not mandated by the Foreign Assistance Act or any other law. Moreover, they have undermined efforts to promote safe and efficacious family planning programs in foreign nations. Accordingly, I hereby direct that AID remove the conditions not explicitly mandated by the Foreign Assistance Act or any other law from all current AID grants to NGO's and exclude them from future grants.” President Clinton, Memorandum on the Mexico City Policy, Jan. 22, 1993.
1996 USAID testifies to Congress that the Helms Restrictions cover US-funded overseas radio groups from any speech regarding abortion laws.

“No USAID funded programs are aimed at changing local laws regarding abortion. The Helms Amendment of 1973 prohibits such support...USAID does not support activities to address laws regarding abortion in any country; consequently we do not monitor the status of abortion laws.” Role of Radio in Africa. Hearing before the Subcommittee on African Affairs of the Committee on Foreign Relations, March 28, 1996. Role of Radio in Africa: Hearing before the Subcomm. On African Affairs of the S. Comm. on Foreign Relations, 14th Cong. 2 (1996) (Statement of Carol A. Peasley, Deputy Assistant Administrator for Africa, USAID).

2001 President George W. Bush reinstates the Global Gag Rule, again expanding the reach of abortion restrictions, by Executive Order.

2002 Congress expands the scope of the Helms Amendment to cover all State-Foreign Appropriations.

The Helms Amendment originally covered programs under Part 1 of the FAA (see 1973 supra); beginning in 2002, Congress expanded this by changing the appropriations language to cover all foreign aid: “...none of the funds made available under this Act...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...” P.L. 107–119, 2002 - Sec. 518. Emphasis added.

2002 Congress passes the Millennium Challenge with Helms-related abortion restrictions in its charter.

According to the Charter, the purpose of the MCC is “to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.” Millennium Challenge Act, Sec. 605(e)(f), Pub. L. 108-199, Div. D. (2003).

2007 Congress reaffirms that Helms applies to all State-Foreign Appropriations.

Subsection (f) of new section 518 makes the provisions of that section applicable to foreign operations funds appropriated for fiscal year 2007 and for any subsequent fiscal year.” Report from the Committee on Appropriations, Department of State, Foreign Operations, and Related Programs Appropriations Bill Pub. L. 16 227 (2007).

2008 USAID clarifies that the Helms is mandatory in all of its contracts.

Contracts include democracy and rule of law projects and humanitarian aid in conflict situations. “A portion of the restrictions relative to family planning is applicable to all foreign assistance activities. The clause now contains standard language to state those restrictions – this base clause is mandatory for all contracts.” Acquisition & Assistance Policy Directive (AAPD 08-01), dated June 12, 2008: Voluntary Population Planning Activities – Updated Requirements and Clause. See also:

- Contracting with a Foreign Governmental Organization. An Additional Help for ADS Chapter 303

2009 Congressional Research Service confirms that Helms and Helms-related restrictions apply to all State-Foreign Appropriations.


2009 President Obama rescinds the Global Gag Rule, but leaves Helms and Helms-related restrictions in place.

“USAID is prohibited from providing funds to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortion, as stipulated by the Helms Amendment enacted in 1973. This and all other statutory and policy requirements relating to family planning remain in effect.” (Emphasis added) USAID, Press Release, President Obama Rescinds Mexico City Policy, Jan. 26, 2009.

Human Rights Through The Rule Of Law
25 East 21st Street, 10th Floor New York, NY 10010/ P 212.725.6530 info@globaljusticecenter.net
USAID website clear that the Helms and Helms-related abortion restrictions apply to all foreign assistance funds.


Approximately $49 billion in State-Foreign Appropriations is censored by Helms and Helms-related abortion restrictions.

See Appendix B for chart showing all of the U.S. organizations censored by the Helms gag. Conference Agreement of Subcommittee on State, Foreign Operations, and Related Programs, Summary: FY 2010 State and Foreign Operations (December 8, 2009).

The Global Justice Center files a shadow report for the Universal Periodic Review (UPR) of the United States with the UN Human Rights Council challenging the legality of the Helms and Helms-related abortion restrictions under international human rights and humanitarian law.

The report argued that US abortion restrictions: (1) restricts the right to freedom of expression of U.S. citizens, violating U.S. obligations under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; and (2) limits relief and aid to female rape victims in conflict, violating U.S. obligations to the global community to “ensure respect” for international humanitarian law, including non-discriminatory treatment of persons protected under the Geneva Conventions.

Baroness Uddin questions for the first time, in the House of Lords, US abortion restrictions on humanitarian assistance to rape victims in conflict.

“One of the solutions proposed by women’s organisations, including the international human rights organisation the Global Justice Center, is that access to abortion must be a critical part of the support available to women. The centre filed a shadow report with the Human Rights Council asking it to recommend that the US remove the prohibitions put on humanitarian aid to rape victims in conflict, as it violates the US obligation under the Geneva Convention. The UK can and must support this issue by asking questions of the US during the council’s review process due shortly.” UK House of Lords debate on the Millennium Development Goals, October 7, 2010, available at: http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/101007-0002.htm#10100714000795

Norway, citing to the Global Justice Center’s shadow report, questions the US on its abortion restrictions in advanced written questions for the Universal Periodic Review.

“The Global Justice Center (GJC) filed a shadow report for the universal periodic review of the US expressing concern with regard to US blanket abortion restriction on humanitarian aid and abortion speech restrictions on US rule of law and democracy programs. Does the US have any plans to remove its blanket abortion restrictions on humanitarian aid covering the medical care given women and girls who are raped and impregnated in situations of armed conflict? Does the US government apply abortion speech restrictions on its rule of law and democracy programs?” OHCHR, Advance Questions to the United States of America, Addendum 2, Nov. 2010.

Norway recommends during the Universal Periodic Review that the US remove abortion restrictions on humanitarian aid for rape victims.