

# ROLLING BACK A WOMAN'S RIGHT TO CHOOSE: A TIMELINE OF THE HYDE AMENDMENT AND ITS IMPACT ON ABORTION

## TIMELINE PANEL 1



Before Hyde, Medicaid paid for about 300,000 abortions for low-income and indigent women every year. For Native American women living on or near reservations, the Indian Health Service is frequently the only accessible option for medical care. As of 2007, the IHS was responsible for providing medical care to over 900,000 American Indian and Alaskan Native women.

In Texas, Rosie Jimenez becomes the first woman known to have died from an illegal abortion since the passage of Hyde.

**1965**

The federal Medicaid program is created, under which federal and state governments jointly pay for health-care services for eligible low-income individuals and their families.

**1973**

In a 7-2 decision in *Roe v. Wade*, the U.S. Supreme Court recognizes that a woman's right to an abortion is protected by the U.S. Constitution.

**1976**

Through the Hyde Amendment, Congress bans the use of federal funds to pay for abortion under Medicaid and the Indian Health Service, except when necessary to save a woman's life. The amendment has been renewed by Congress, with some variations in its scope, every year since 1976.

**1977**

Congress expands the exceptions made by the Hyde Amendment to include cases of rape, incest, and when pregnancy would result in "severe and long-lasting" damage to the physical health of the mother.

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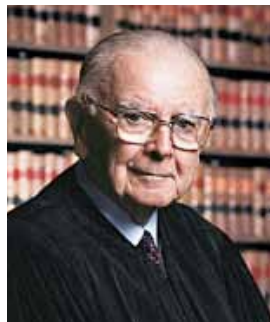
## TIMELINE PANEL 2



As of 2009, over 9 million people are eligible for military healthcare coverage.

As of 2010, there are over 4,800 women in the Peace Corps, making up 60% of the total volunteer force.

40 states have eliminated state Medicaid funding for abortions, except in cases of rape, incest, or threat to a mother's health. In the absence of federal funds for abortion, states must cover the total cost if they wish to provide coverage under Medicaid.



Low-income and indigent women are denied federal assistance for abortion in cases of rape and incest until 1993. Women using the Indian Health Service cannot receive federal assistance for abortions in cases of rape or incest until 1996.

Today, over a million women are federal employees.

### 1978

Congress bans abortion coverage for U.S. military personnel and their dependents.

### By 1979/1979

Congress bans the use of federal funds to pay for abortions in Washington, DC, and to cover abortions for Peace Corps volunteers for any reason. Congress also drops the health exception to the Hyde Amendment, so that abortion may only be covered by federal Medicaid funds if a pregnancy results from rape or incest, or if it threatens the life of the mother.

### By 1980

In a 5-4 decision in *Harris v. McRae*, the U.S. Supreme Court finds that the Hyde Amendment does not violate the U.S. Constitution. As Justice Brennan argued forcefully in dissent, the majority failed to recognize the coercive effect of the Hyde Amendment.

### 1981

Congress drops the incest and rape exceptions to the Hyde Amendment. At this point, federal funds may only be used to fund abortions necessary to save the life of the mother.

### 1983

Congress prohibits abortion coverage in the Federal Employees Health Benefits Plan except in very limited circumstances.

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## TIMELINE PANEL 3

As of December 2009, 13,625 women were incarcerated in facilities operated by the Federal Bureau of Prisons.

As of 2007, there were 27,000 women relying on Medicaid in Washington, DC.



### 1986

Congress bans abortion coverage for women in federal prisons. This ban is lifted in 1993, but has been reimposed every year since 1995.

### 1988

Congress prohibits Washington, DC from using even its own, locally raised money to cover abortion services.



### 1993

Congress reinstates federal Medicaid coverage for abortion in cases of rape or incest.

### 1994

Control of one's own fertility is affirmed as a basic right by 179 countries – including the U.S. – at the United Nations International Conference on Population and Development.

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## TIMELINE PANEL 4



To this day, women may only receive federal Medicaid funds for abortions in cases of **rape or incest, or when her life is threatened** by a physical disorder, injury, or illness.

**1996**

Congress allows the Indian Health Service to cover abortions in cases of rape or incest.

**1997**

Congress tightens the life exception so that abortion is covered by the federal Medicaid program only when a woman's life is threatened by "physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself."

**1998**

Congress clarifies that the Hyde Amendment applies to Medicare. As a result, federal funding may no longer subsidize abortions for disabled women covered by Medicare except in cases of rape, incest, or life endangerment. No state funding fills in this gap.

**By 2001**

It is estimated that between 18-35% of Medicaid eligible women carry unplanned pregnancies to term because they cannot receive funding for desired abortions.

**2004**

The Weldon Amendment protects from discrimination health providers and insurance companies that refuse to provide or pay for abortions other than those mandated by federal law.

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## TIMELINE PANEL 5



### By 2008

32 states and D.C. still prohibit the use of state Medicaid funds to fund abortion coverage, failing to fill the gap left by the federal government.



### 2009

The House of Representatives votes to discontinue the ban on the District of Columbia using its own local tax dollars to cover abortion services for low-income women. Due to a prior vote in the Senate, the bill is sent to the President and signed into law.

### November 7, 2009

The House of Representatives passes the Stupak-Pitts Amendment as part of its healthcare reform legislation. The amendment would make it nearly impossible for private insurers participating in the new healthcare system to provide coverage for abortion, even when a policyholder uses her or his own money to buy insurance.

### December 24, 2009

The Senate passes a healthcare reform bill containing language proposed by Sen. Ben Nelson (D.-Neb.) that requires all policyholders in a plan that provides abortion coverage to pay separately for abortion coverage, lowers insurance incentives to provide coverage, and allows states to prohibit insurers from offering plans that cover abortion.

### Currently

The Hyde Amendment prohibits the use of federal funds for abortion services, except in cases of rape or incest, or when a pregnant woman's life is threatened by a physical disorder, illness, or injury. However, 17 states provide state funds to cover medically necessary abortions – 13 of them as a result of court order.