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A Pro-Life Progress Report for the 119th Congress and the Administration

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KEY TAKEAWAYS

Congress's signature pro-life victory in 2025 was the One Big Beautiful Bill (OBBB) budget reconciliation measure.

Congress must hold the line and maintain broadly supported policies like the Hyde Amendment and conscience protections in must-pass appropriations bills.

The Trump Administration should rescind Biden-era regulations and policies intended to promote abortion and to undermine the 2022 *Dobbs* decision overturning *Roe*.

Four years ago, the Supreme Court corrected a grave legal error and overturned *Roe v. Wade*. With abortion no longer enshrined as a "right" in the Constitution, policymakers at all levels of government have stepped up to promote life in law, policy, and culture. For the first session of each new Congress, The Heritage Foundation provides pro-life policy recommendations to Members and the presidential Administration. The following year, a progress report takes stock of what has been accomplished and what remains on the to-do list. Last year, President Donald Trump and a Republican majority in Congress took the reins. Heritage provided a pro-life policy road map of ways to reverse four years of President Joe Biden's pro-abortion radicalism.[1] Now, this *Backgrounder* analyzes legislative and administrative accomplishments and highlights additional ways the Administration and Congress can protect life.

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

In Congress

From appropriations to the reconciliation process, the 119th Congress protected taxpayers from supporting abortion and abortion businesses.

Legislation

Congress advanced important legislation to promote a culture of life.

Defunding Big Abortion. Congress's signature pro-life victory in 2025 was the One Big Beautiful Bill (OBBB) budget reconciliation measure. It included a provision preventing abortion providers like Planned Parenthood from receiving Medicaid reimbursements for one year.[2] Medicaid makes up most of Planned Parenthood's annual federal funding sources. In 2025, more than 50 clinics closed their doors, and across the country Planned Parenthood clinics are feeling the financial strain.[3] Some blue states have stepped in to try to supplement funding but this is not sustainable in the long run.[4] Both Planned Parenthood and blue state Attorneys General went to court to try to block the defund provision from taking effect, but were ultimately unsuccessful.[5] Congress holds the power of the purse, and nothing in the Constitution entitles the abortion industry to Americans' hard-earned tax dollars. As discussed below under "More to Accomplish," another reconciliation bill could allow the defunding provision to extend beyond the OBBB's one-year time frame, which has already passed. Planned Parenthood and other large abortion providers became eligible to receive Medicaid funds again on July 4, 2026.[6]

Supporting Pregnant and Parenting Students. In January 2026, the House of Representatives passed the Pregnant Students' Rights Act (H.R. 6359),[7] which requires universities to provide pregnant women and girls with information about their rights, resources, and available accommodations.

Pregnancy Resource Center Support. Also in January 2026, the House also passed the Supporting Pregnant and Parenting Women and Families Act (H.R. 6945),[8] which provides statutory clarity that states can direct Temporary Assistance for Needy Families (TANF) funding to pregnancy resource centers that support mothers, families, and unborn children through services like counseling, material support, and education.

Addressing Weaponization and Selective Enforcement. The House Judiciary Committee approved the FACE Act Repeal Act (H.R. 589)[9] in June 2025. The bill is needed in light of intense weaponization by the U.S. Department of Justice (DOJ) under President Biden, which is also discussed below.

The Freedom of Access to Clinic Entrances (FACE) Act[10] was enacted in 1994 and prohibits physically obstructing, injuring, intimidating, or interfering with anyone "obtaining or providing reproductive health services." Under President Biden, the DOJ deliberately targeted peaceful pro-life Americans while failing to vigorously enforce FACE Act protections that apply to churches and pregnancy centers, which faced increasing attacks following the *Dobbs* decision overturning *Roe v. Wade*. Sufficient laws already exist at the state level to address criminal activity, so Congress should repeal the FACE Act once and for all.

Appropriations

Congress stood firm to protect life via spending legislation.

Maintaining Status Quo of Pro-Life Policies. House-passed appropriations legislation has incorporated numerous pro-life policy riders, such as the Hyde family of amendments that prohibit taxpayer funding for abortions in foreign and domestic programs. However, new pro-life policy riders are routinely stripped during negotiations between the House and Senate.[11]

Addressing Problematic Earmarks. In FY 2024, two hospitals that perform late-term abortion procedures received almost $2.5 million in federal funds via earmarks in that year's Labor-HHS [U.S. Department of Health and Human Services] funding.[12] Those were Senate earmarks; the House Labor–HHS subcommittee accepted no earmark requests for FY 2024 through FY 2026.[13] For FY 2027, the House Appropriations Committee's Labor–HHS subcommittee provided guidance for earmark requests.[14] Among requirements going forward, entities that perform or promote abortions are not eligible. Entities that conduct research using embryonic stem cells obtained from an induced abortion, or human germline gene modification, are not eligible. And entities that facilitate sex-rejecting interventions are not eligible.

In the Trump Administration

The Trump Administration played a significant role in advancing pro-life policies.

Previous Executive Orders and Policies

In 2025, the Administration quickly acted on a host of policies, which are discussed in the 2025 *Backgrounder*.[15] They include:

- An executive order to disentangle taxpayers from abortion funding.[16]

- Reinstatement of the Protecting Life in Global Health Assistance policy, which disentangles foreign aid dollars from international non-governmental organizations that perform or promote abortions.[17] As discussed in the following section, the policy has since been expanded.

- Defunding of the United Nations Population Fund over its complicity with China's coercive and inhumane population-control practices.[18]

- Renewal of membership in the Geneva Consensus Declaration, a partnership of more than 40 countries committed to improving women's health, protecting innocent life, and strengthening the family.[19]

- Partial restoration of Title X family planning program funding to Oklahoma[20] and Tennessee.[21] These pro-life states were denied funding by the Biden Administration over their refusal to provide abortion counseling and referrals.

- Recission of a Department of Defense abortion travel policy that made travel and transportation allowances available to service members and their dependents for abortions.[22]

- Rescission of Emergency Medical Treatment and Labor Act (EMTALA) guidance that wrongly claimed that EMTALA requires doctors to perform elective abortions.[23]

Pro-Life Regulations, Executive Orders, and Other Policies

Over the past year and a half, the Trump Administration has taken additional steps to promote life-affirming policies. These steps include:

- **Taxpayer Funding for Abortions.** In July 2025, the Department of Justice issued an opinion[24] that the Hyde Amendment, which prohibits taxpayer dollars from paying for elective abortions, means that the HHS cannot spend taxpayer dollars to provide "ancillary services necessary to receive an abortion"—such as the Office of Refugee Resettlement providing transportation for women seeking an abortion. The HHS has said it is reviewing the relevant regulations and guidance.[25]

- **Abortion in Obamacare Plans.** On December 9, 2025, the Centers for Medicare and Medicaid Services (CMS) issued guidance[26] about Section 1303 of the Affordable Care Act's abortion coverage accounting gimmick. Section 1303 requires insurers to collect a separate payment for certain abortion coverage in qualified health plans approved to be sold on the exchanges. Maryland and other pro-abortion states attempted to commandeer excess funds remaining in abortion surcharge accounts to establish grant programs to pay for additional abortion travel and elective abortions.[27] The CMS clarified that the leftover funds belong to insurers—not states seeking to subsidize additional abortions.

    - As discussed below under "More to Accomplish," the CMS should re-issue the Section 1303 regulation from President Trump's first term. In December 2019, the CMS adopted a rule[28] interpreting that separate payments be just that—separate—and that issuers needed to comply with the letter and spirit of Obamacare requirements. The same has not been true under Presidents Barack Obama and Biden. The CMS should rescind the Biden rule and return to the rule in place during President Trump's first term.

- **Abortion at the Department of Veterans Affairs (VA).** On December 18, 2025, the DOJ issued an opinion[29] that the Biden Administration overstepped its authority by issuing a regulation requiring abortion procedures, referrals, and counseling to veterans at VA medical facilities. The VA quickly issued a memorandum returning to pre-2022 policies that excluded abortion and abortion counseling.[30] On December 31, the VA issued a final rule formally rescinding the 2022 Biden Administration rule that returned to the pre-2022 abortion exclusions.[31]

- **International Abortion Funding.** In January 2026, the Trump Administration announced that it is further expanding life-affirming foreign aid policies. Since the 1980s the Mexico City Policy has required (under Republican Administrations) foreign nongovernmental organizations to certify that they will not perform or promote abortion as a condition of receiving U.S. family planning assistance. During President Trump's first Administration, that policy was expanded to apply to more funding streams and called the Protecting Life in Global Health Assistance Policy. Now, under a new name. the

Promoting Human Flourishing in Foreign Assistance (PHFFA) Policy has expanded to encompass abortion,[32] radical gender ideology,[33] and diversity, equity, and inclusion (DEI)[34] policies as well.

- **Fetal Tissue Research.** In January 2026, the National Institutes of Health (NIH) reinstated a policy from President Trump's first term ending support for unethical and obsolete research using fetal tissue obtained from elective abortion. The prohibition applies to internal and external projects (such as grants to outside entities).[35] The NIH can prioritize ethical alternatives instead.

- **Planned Parenthood COVID-19 "Relief" Funding.** In January 2026, the Small Business Administration (SBA) announced that it is reviewing whether Planned Parenthood affiliates improperly received more than $88 million in loans during the COVID-19 pandemic. The SBA is demanding that Planned Parenthood clinics either prove that they were eligible to receive Paycheck Protection Program loans or return the funding.[36] During President Trump's first term, the SBA preliminarily concluded that Planned Parenthood affiliates were not eligible to receive these loans that were meant to help small businesses, but the Biden Administration later forgave many of those loans.[37]

- **Department of Justice Weaponization.** In April 2026, the DOJ issued an extensive report detailing how the DOJ under President Biden weaponized the FACE Act against pro-life Americans.[38] The report concluded: (1) The DOJ violated Americans' rights through biased enforcement; (2) the DOJ collaborated with pro-abortion organizations to track pro-life activists' activity; (3) prosecutors repeatedly engaged in inappropriate conduct; (4) the DOJ sought harsher punishment for pro-life activists than for pro-abortion activists; and (5) the DOJ inappropriately tried to help a pro-abortion organization with an application for a grant.

- **Reviewing Human Embryonic Stem Cell Research.** In January 2026, the NIH announced a pause on submissions to the NIH Human Embryonic Stem Cell Registry and issued a request for information on ways to reduce—and potentially replace—current reliance on research using human embryonic stem cells.[39]

- **Pro-Life Budget Request for FY 2027.** In April 2026, the Office of Management and Budget released its budget request for the upcoming fiscal year. The request includes long-standing provisions in current law, such as Hyde protections across multiple departments (foreign and domestic), conscience protections, and bioethics-related funding restrictions for certain research. Additional requests include protections separating foreign aid funding from organizations that perform or promote abortions, including additional conscience protections for medical trainees, stripping Planned Parenthood of any HHS funding, and ending funding for fetal tissue research.[40] This proposal is a request and Congress will ultimately decide FY 2027 funding and dollar amounts. As with the FY 2026 request, the Administration demonstrated its strong commitment to pro-life policymaking throughout the government.

- **Redirecting Teen Pregnancy Prevention Funding to Align with Pro-Family Priorities.** In June 2026, the HHS canceled most federal Teen Pregnancy Prevention Program grants two years early, some of which had gone to comprehensive sex-education curricula taught by abortion providers like Planned Parenthood. The HHS opened new funding opportunities that will be available to grantees who align programming with the Administration's priorities of sexual risk avoidance education and not encouraging, normalizing, or promoting sexual activity for minors.[41]

Conscience Rights

The Trump Administration is prioritizing enforcement of federal conscience protection laws. The HHS Office for Civil Rights (OCR) is ensuring that no person or organization is discriminated against over their convictions on abortion and gender ideology.

In January 2026, the OCR announced a list of enforcement actions and policy changes, including:

- A notice of violation determining that the Illinois law requiring abortion referrals violates the Weldon and Coats–Snowe Amendments.[42]

- A nationwide "Dear Colleague" letter summarizing federal health care conscience protections that the OCR is tasked with enforcing and reaffirming the Administration's commitment to protect individuals and

organizations from being discriminated against due to their sincere moral or religious convictions.[43]

- Recission of Biden Administration guidance that wrongly claims that federal law on emergency medical care requires doctors to perform elective abortions.[44]

- Recission of Biden Administration guidance that wrongly instructed pharmacies to stock and dispense dangerous abortion pills, even though pharmacies and pharmacists have a right to not violate their conscience by participating in abortion. Under President Biden, the HHS walked back part of this guidance after losing a court case to pharmacies challenging the guidance.[45] Now the guidance has been rescinded entirely.[46]

- Disavowal of[47] the Biden Administration's August 2021 decision to withdraw the Trump Administration's 2020 Notice of Violation that California broke federal conscience rights law over its insurance coverage mandate for elective abortion.

- Disavowal of[48] the Biden Administration's July 2021 decision to withdraw the Trump Administration's Notice of Violation that the University of Vermont Medical Center broke federal conscience rights law by requiring a health care professional to participate in an abortion procedure despite strong objection.

In March 2026, the HHS announced that the OCR is investigating 13 states over possible violations of the Weldon Amendment, which says government cannot discriminate against health care entities that do not pay for or provide coverage of abortions.[49] The states under investigation have abortion coverage requirements for plans sold in their respective jurisdictions.[50]

In May 2026, the HHS announced an additional reorganization within the OCR.[51] The OCR is tasked with enforcing federal civil rights laws related to conscience, religious freedom, privacy, cybersecurity, and more. In 2018, during President Trump's first term, the HHS created a Conscience and Religious Freedom Division within the OCR. Under President Biden, this division was shuttered and absorbed, with the Civil Rights Division, into the Policy Division.[52] Rights of conscience and religious freedom are not "less than." Restoring the Conscience and Religious Freedom Division will provide the OCR with the tools it needs to best serve all Americans and ensure that their fundamental rights are respected.

More to Accomplish

Both Congress and the Administration have successfully advanced important pro-life policies, but there is still more work to do.

In Congress

Defunding Big Abortion, maintaining long-standing pro-life policy riders, and holding bad actors accountable must continue to be a priority.

Planned Parenthood. Preventing Planned Parenthood and other abortion providers from receiving Medicaid reimbursements for one year was a signature accomplishment in the 2025 OBBB budget reconciliation package. Medicaid makes up most of Planned Parenthood's federal funding sources. However, this defunding provision was the only one in the entire bill subject to a one-year time frame rather than the full 10 years to which the bill can apply. Planned Parenthood and other large abortion providers became eligible to receive Medicaid funds again on July 4, 2026.[53] If Congress discusses another reconciliation bill, the defunding provision should be incorporated for the full 10-year time frame so that taxpayers do not have to continue funding abortion providers.

Appropriations. Congress has continued to include long-standing riders like the Hyde Amendment and similar language in annual appropriations bills, prohibiting taxpayer dollars from paying for most abortions. But many other pro-life policies can be enacted via appropriations riders. From expanding conscience protections to reinstating commonsense safety protections for risky abortion pills, there is more that Congress should do to promote life in must-pass spending legislation.[54]

Oversight. Congress should continue to invoke its oversight and investigatory role to hold bad actors accountable and ensure that that pro-life priorities in the Administration are not sidelined. For example, in 2022, activists obtained the remains of five preemie-size unborn babies who had been aborted at a notorious Washington, DC, late-term abortion mill. According to expert testimony, these babies may have been aborted using the illegal partial-birth abortion technique. One baby was still in the amniotic sac and may have been born alive and left to die.[55] Local authorities stonewalled questions from Congress and the press about any investigation of this activity. Pro-life activists and Members of Congress feared that the DC Office of the Chief Medical Examiner would destroy the five bodies, but in February 2024 it confirmed that it would not immediately do so.[56] During a June 2025 hearing, then-Attorney General Pam Bondi indicated that there was an ongoing investigation.[57]

Demand FDA Action on Dangerous Abortion Drugs. Congress should continue demanding transparency from the Food and Drug Administration (FDA) on its long-promised comprehensive review of the abortion pill. It is abundantly clear that current FDA postmarketing safety policies are not adequately protecting women and children.[58] In light of the politicized approval process that put this risky drug on the market in the first place, a complete and thorough review is long overdue. Leadership changes at the FDA should not slow down or deprioritize this important work. Individual members and congressional committees should continue emphasizing the dangers these drugs pose to women, girls, and unborn children.

In the Trump Administration

The Trump Administration should rescind Biden-era regulations and policies that promoted abortion and sought to undermine the 2022 *Dobbs* decision overturning *Roe v. Wade*. These include:

- **Abortion Travel for Unaccompanied Illegal Alien Children (UACs).** A senior Office of Refugee Resettlement official told *The Daily Signal*[59] that the agency is working on reversing a Biden-era regulation allowing taxpayer-funded abortion travel for UACs.[60] The changes were submitted to the Office of Management and Budget's Regulatory Information Service Center in January 2026, but the updated regulation has not been formally proposed yet. The HHS should ensure that the rule advances quickly.

- **A Privacy Regulation That Undercut Abuse Reporting.** In June 2025, a federal court struck down[61] most of a Biden Administration regulation that purported to strengthen protections for sensitive private health information, including information related to abortion. In reality, the rule improperly limited state child abuse reporting laws.[62] The HHS should formally rescind the rule.

- **The Equal Employment Opportunity Commission's (EEOC) Wrongful Interpretation of the Pregnant Workers Fairness Act (PWFA).** In 2024, the EEOC issued rulemaking interpreting the PWFA's definition of "medical condition" related to pregnancy to include elective abortion, thus requiring employers to provide accommodations like time off from work to have an abortion or time off to recover from the procedure.[63] Litigation related to the entire rule is

ongoing. In May 2025, a federal court provided nationwide relief for employers who care deeply about the well-being of their employees (and their children, born and unborn) by vacating the elective abortion accommodation provision.[64] The EEOC should clean up the mess and formally rescind its erroneous interpretation of the PWFA. Pro-life Members of Congress would not have supported this bipartisan bill if it empowered the federal bureaucracy to invent a requirement for abortion accommodations.

- **A Rollback of a Conscience Protection Regulation from President Trump's First Term.** The Biden Administration partially rescinded[65] President Trump's 2019 rule about enforcing more than a dozen federal laws that protect conscience rights for individuals or entities that do not want to participate in or facilitate morally fraught procedures such as abortion.[66] The Biden rule gutted the HHS Office for Civil Rights' ability to adequately enforce conscience laws that protect Americans' civil rights. The regulation from President Trump's first term should be restored.

- **Addressing Title X Family Planning Program Funds Used as a Slush Fund for the Abortion Industry.** The Biden Administration rescinded a regulation from President Trump's first term that required recipients to physically and financially separate all abortion activity from Title X activity and prohibited Title X projects from promoting or referring for abortion.[67] The Biden regulation also required sites that do not offer a broad range of contraception to provide a prescription or referral. This created a new barrier for sites that offer fertility awareness-based methods (FABMs) but cannot in good conscience provide or refer for other methods. The Title X program should not be used as a slush fund for abortion providers. The Trump Administration should restore the regulation from President Trump's first term.

- **A Clean Up of Policies Concerning the Affordable Care Act's (ACA) Nondiscrimination Provision.** Among other things, Section 1557 of the ACA prohibits discrimination on the basis of race, color, national origin, age, disability, and sex in covered health programs or activities.[68] Just weeks after the *Dobbs* decision overturning *Roe v. Wade*, the Biden Administration moved to redefine conditions related to "sex" to include abortion, as the Obama Administration had also

done in 2016. The Trump Administration should revive the abortion-related provisions of this regulation from President Trump's first term, issued in 2020.[69]

- **Ensuring that Issuers Comply with ACA Abortion Rules.** Thirteen states require plans sold on their marketplace to include coverage for abortion. Section 1303 of the ACA says that such plans cannot use federal funds (including premium tax credits and cost-sharing reductions) for elective abortions. Section 1303 also requires issuers to collect a separate payment from each enrollee for the abortion coverage portion and segregate those funds in separate allocation accounts solely used for abortion coverage. Plans are also required to provide notice to enrollees at the time of enrollment that the plan includes abortion coverage. But under Presidents Obama and Biden, CMS policy was essentially an accounting gimmick that did not enforce the letter or spirit of the ACA. The CMS should re-issue the Section 1303 regulation from President Trump's first term. That rule[70] rightly required that separate payments be just that: separate.

- **Stopping Elective Abortions in the Indian Health Service (IHS) Program.** The Biden Administration issued a rule that weakens the prohibition on abortion funding within the IHS.[71] Per the Hyde Amendment, federal funds cannot be used to pay for abortion except in very limited circumstances. Under the Biden rule, if Congress ever fails to include the Hyde Amendment in annual appropriations legislation, then the IHS would be able to fund elective abortions.

- **Robustly Enforcing Federal Conscience Protection Laws.** Laws like the Church, Coats–Snowe, and Weldon Amendments are meant to ensure that no one faces discrimination for declining to perform, participate in, or pay for an abortion in HHS-funded programs. Under previous Administrations that prioritized a radical pro-abortion agenda, conscience protection was not a priority. The Trump Administration is reversing that trend. The HHS and the OCR should continue to protect Americans from discrimination in federally funded programs. For example, a February 2026 letter to the HHS from Alliance Defending Freedom identifies 49 HHS-funded family medicine residency programs that, it says, violate federal conscience laws by requiring residents to participate in abortion training.[72]

- **Prioritizing Health and Safety at the FDA and Department of Justice, Not the Abortion Industry's Bottom Line.** The FDA should expeditiously conduct its long-promised review of the abortion drug mifepristone and revisit the dangerous drug's approval. At a minimum it must restore commonsense safety protections like in-person evaluation and dispensing. To that end, the DOJ also has a role to play in addressing mail-order abortion pills. For starters, it should rescind the Biden-era memorandum[73] about interpretation of the Comstock Act, which prohibits mailing any "article or thing designed, adapted, or intended for producing abortion."[74] As explained in a Heritage Foundation *Legal Memorandum*, the Office of Legal Counsel's interpretation of Comstock is so narrow "that it would be virtually unenforceable.... The plain and ordinary meaning of [Comstock] unambiguously prohibits mailing abortion drugs."[75]

Pro-Life Progress Is Possible

Slim Republican–Democrat margins in Congress left little room for error when it comes to any legislative priority, including pro-life policies. That is why tools like budget reconciliation and must-pass appropriations legislation are so critical to advancing protections for babies and mothers.

The Trump Administration has steadily rolled back much of the damage wrought by the Biden Administration, but key priorities are still unfinished. With the President's second term in full swing, pro-life Americans expect to see policymakers continue to deliver more meaningful protections for women, girls, and unborn babies.

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Endnotes

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