

**MEMO** Published June 24, 2024 • 7 minute read

# Two Diverging Visions for Reproductive Rights



*Kylie Murdock, Policy Advisor, Jeremy Odrich, Fellow, Social Policy & Politics*

Ever since the *Dobbs* decision two years ago, Donald Trump has been traipsing around the country bragging about how he overturned *Roe v. Wade*. Credit where credit is due—he did appoint three of the five Supreme Court Justices who voted to overturn it. More recently, Trump and some Republicans have tried distancing themselves from their own unpopular, extreme policies. And some have doubled down, like Louisiana Republicans, who voted to criminalize a medication commonly used in both miscarriages and abortion.

No matter what they try to tell voters, the Republican party has made it clear what their agenda really is: to restrict access to birth control, ban abortion and in vitro fertilization (IVF) nationwide, monitor pregnant women, and prosecute them for having abortions. The Biden Administration has taken the opposite approach: defending access to contraception, IVF, and abortion services nationwide.

# Trump: Control and Punish Women

A second Trump term would threaten the reproductive freedom of every woman and girl in this country.

On contraception, Trump and Republicans would heavily restrict access to birth control. They have vowed to repeal the Affordable Care Act (ACA), which currently provides 58 million women with access to birth control at no cost. Under Trump, insurance companies and employers would be allowed to refuse to cover birth control, making it far harder for women, especially low-income women, to access it. Birth control is about having the power to decide when you want to become pregnant, and Trump and Republicans want to take that away from millions of women. Trump would also gut the federal Title X program, which provides free and subsidized birth control to millions of low-income women through grants for health clinics. We know this is true because he already did it during his first term. Trump also banned all clinics receiving Title X funding from even mentioning the word “abortion,” let alone performing them, forcing more than 900 clinics to drop out of the program and cut back on their services. In 2019, over 844,000 women were robbed of affordable reproductive care and contraception because of the Trump Administration. And now that Roe has fallen, a second Trump term is sure to hurt millions of women.

On IVF, Trump will do the bidding of his party and ban IVF. The Republican Study Committee, which represents nearly 80% of Republicans in the House (and 100% of House Republican leadership), has endorsed the *Life at Conception Act*, which defines life as starting at the point of fertilization. Passing this bill would mean a nationwide ban on IVF, a treatment millions of families a year receive to get pregnant and have a child. IVF requires the creation of multiple embryos and sometimes requires the disposal of extra embryos. According to the *Life at Conception Act*, this would be considered murder. Republicans swear they support IVF, but just two weeks ago they blocked a bill that would have protected access to the treatment. We need to believe what these Republicans do, not what they say.

On abortion, Trump and Republicans will ban abortion nationwide, including in blue states like California and New York. The aforementioned *Life at Conception Act* would ban abortion from conception **with zero exceptions for rape or incest**. This would include banning the abortion pill, a medication that was approved by the US Food and Drug Administration (FDA) back in 2000 and is currently used in approximately 60% of abortions nationwide. The state of Louisiana went as far as to criminalize the possession of the medication with the possibility of prison time. But Louisiana isn't the only state to recommend prison time for seeking reproductive care. The Republican Party of Texas recently released a platform that endorses the death penalty for abortion providers and patients. Trump has made it clear that he will let red states do whatever they want, including prosecuting women who seek abortions and doctors who provide them. He said that states should be allowed to monitor women's pregnancies, and he's not the only one. Senator Britt (R-AL)

introduced a bill that would create a government-run website to collect data on pregnant women, and Project 2025, Trump's blueprint for his first year in office, would require states to report abortion data to the federal government. Trump and Republicans want to create a surveillance state that watches and punishes women for seeking reproductive care.

## **Biden: Reproductive Freedom for All**

While a second Trump Administration would destroy access to reproductive care, the Biden Administration has been fighting to protect access to birth control, IVF, and abortion, and would continue to do so in a second term. President Biden and Democrats believe that women should have the freedom to control their bodies and lives.

On contraception, President Biden has expanded access to birth control. He's strengthened and expanded the ACA, which requires insurance companies to cover birth control at no cost to patients. His Administration also approved the first over-the-counter birth control pill, meaning women no longer need a prescription from a doctor to access contraception, which can often act as a barrier to access.

On IVF, President Biden has vowed to sign legislation that would guarantee the right to IVF nationwide and veto any legislation that threatens it. IVF has given millions of families the opportunity to have a biological child when they otherwise couldn't, and President Biden doesn't want to take that away.

On abortion, President Biden is the only candidate who has promised to protect access to reproductive care nationwide, in red and blue states. His Department of Justice (DOJ) is involved in several lawsuits challenging draconian abortion bans in red states and protecting the Administration's policies. The DOJ filed suit against Idaho, arguing their near total abortion ban violates the Emergency Medical Treatment and Labor Act (EMTALA). EMTALA requires that hospitals provide emergency medical care to all patients, and that can sometimes include abortion care for pregnant women experiencing health-threatening situations. This case is currently being considered by the Supreme Court and it could provide a lifeline to women in red states with draconian bans. Under President Biden, the Food and Drug Administration (FDA) also successfully defended a case in front of the Supreme Court that challenged their approval of the abortion pill back in 2000. While the case was dismissed due to a lack of standing, conservative Justices appeared open to hearing the case again if brought by a group with standing, and the Biden Administration would continue to defend it (while a Trump Administration certainly would not). President Biden has also expanded access to medication abortion, which is now used in approximately 60% of procedures. In 2021, the FDA started allowing this medication to be prescribed by a doctor via a telehealth appointment, getting rid of the in-person dispensing requirement that hampers access, particularly to women in rural areas. His Administration also paved the way for certified retail

pharmacies, like CVS and Walgreens, to start stocking this medication. These two changes have made the abortion pill more accessible to women from coast to coast. President Biden has also vowed to sign legislation that codifies *Roe v. Wade* into law should Congress pass it. Biden wants women to be able to access abortion services, whether that be in an emergency situation, at a doctor's office, or through a virtual appointment, because women deserve to have control over their own bodies and futures.

## **Conclusion**

The contrast on reproductive freedom could not be more stark. Trump wants a world where birth control is hard to access, IVF and abortion are banned, and women are prosecuted. President Biden wants a world where women have the freedom to make their own medical decisions and aren't punished for them. The choice is clear.