

September 3, 2025

Dear Members of Congress,

With your help, on July 4<sup>th</sup>, 2025, Congress and President Trump’s One Big Beautiful Bill delivered the largest pro-life legislative victory in two decades. The pro-life community is united in celebrating the tremendous success that stops forced taxpayer funding of Big Abortion providers through Medicaid. Now is not the time to reverse course. Recent media reports indicate Congress may consider additional taxpayer funding for the Affordable Care Act (ACA), also known as Obamacare. Any funding for Obamacare, however, whether through cost-sharing reductions or premium tax credits, is forced taxpayer funding of abortion – unless such funds are definitively limited to coverage that excludes elective abortion.

For over 40 years, the Hyde amendment has protected taxpayers from being forced to pay for abortion and for health insurance plans that include coverage of abortion. The enactment of the ACA in 2010 ruptured that longstanding policy by codifying the largest-ever departure from the Hyde amendment and the largest legislative expansion of abortion since *Roe v. Wade*. Among other objectionable provisions, the ACA authorized massive federal subsidies to assist millions of Americans with purchasing health insurance plans that include abortion. Democrats wrote the ACA craftily to avoid the Hyde amendment by self-appropriating its funds rather than subjecting it to the annual appropriations process to which Hyde applies. Instead of stopping funding for health insurance plans that cover elective abortion in a consistent manner with Hyde, the ACA expressly permits subsidies for health insurance plans that cover elective abortion. Abortion coverage through these plans is funded using premium tax credits (PTCs) as well as cost-sharing reduction payments (CSRs) that reduce out-of-pocket costs for subsidized enrollees.

Democrats falsely claim that Section 1303<sup>1</sup> applies Hyde to the ACA. This is not the case. Section 1303 established separate payment and separate accounting requirements to justify taxpayer funding for plans that cover abortion. This “accounting gimmick,” colloquially known as the “abortion surcharge,” allows health insurance plans on the ACA exchanges to cover elective abortion and still receive taxpayer funds; so long as they collect the surcharge.

Under section 1303, PTCs and CSRs pay for healthcare plans that cover abortion that are not allowable under Hyde. When the taxpayer funds the plan, they make all coverage available to the enrollee, no accounting gimmick changes that. When taxpayer dollars buy a plan that covers abortion, they are funding the abortion. This means that any extension of ACA PTCs or CSRs by Congress must be protected by the true Hyde policy.

The Trump administration recognized the problem with Section 1303 of the ACA in 2019 when the Centers for Medicare and Medicaid Services (CMS) issued a rule titled “Patient Protection and Affordable Care Act; Exchange Program Integrity” which directed separate billing – requiring insurers to send a completely separate monthly bill to enrollees specifically for premiums related to non-Hyde abortion

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<sup>1</sup> Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1303, 124 Stat. 119, 168–171 (2010).

services.<sup>2</sup> The Trump policy (rescinded by Biden) maximized enforcement of Section 1303, which was all that could be done under the law. However, if Congress makes changes to the ACA or extends ACA coverage, the changes must include complete application of Hyde policy.

As pro-life leaders we urge you to ensure that any extension of ACA subsidies is protected by the Hyde amendment. The pro-life Congress must not be a party to the Obama policy of taxpayer funding for abortion.

Sincerely,

Susan B. Anthony Pro-Life America

AAPLOG

Advancing American Freedom

AFA Action

Alabama Policy Institute

American College of Pediatricians

American Principles Project

Americans United for Life

Anglicans For Life

Areté Global Consulting

Campaign Life Missouri

CatholicVote

Center for Christian Virtue

Center for Urban Renewal and Education  
(CURE)

Choose Life

Choose Life Coalition

Christian Defense Coalition

Cincinnati Right to Life

Citizens for a Pro-Life Society

Cogency Strategic

Concerned Women for America Legislative  
Action Committee

Eagle Forum

Eagle Forum of Alabama

Ethics and Public Policy Center

Everlasting Light Ministries

Faith & Freedom Coalition

Family Policy Alliance

Family Research Council

Georgia Life Alliance

Good Counsel

Heartlife Foundation

Human Life Alliance

Idaho Family Policy Center

Indiana Right to Life

Jewish Pro-Life Foundation

Kansans For Life

Kentucky Right to Life

Liberty Counsel Action

Life Issues Institute

Life Legal Defense Foundation

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<sup>2</sup>Patient Protection and Affordable Care Act; Exchange Program Integrity, 45 CFR Parts 155 and 156 (2018, November 9), <https://www.federalregister.gov/documents/2018/11/09/2018-24504/patient-protection-and-affordable-care-act-exchange-program-integrity>

LifeNews.com  
Louisiana Family Forum  
Maine Right to Life  
March for Life Action  
Maryland Family Institute  
Maryland Family Institute  
Maryland Right to Life, Inc.  
Midwest March for Life  
Missouri Right to Life  
Montana Family Foundation  
Montanans for Life  
National Pro-Life Alliance  
National Right to Life  
National Women's Coalition for Life  
Natrona County Chapter, Wyoming Right to Life  
NC Faith & Freedom Coalition  
NC Values Coalition  
Nebraska Family Alliance  
New Jersey Right to Life  
New Mexico Alliance for Life  
New York Families Action  
Oregon Right to Life  
Palmetto Family Council  
Pennsylvania Family Institute  
Priests for Life  
Pro-Life Action League

Pro-Life Action Ministries  
Pro-Life Greenville (South Carolina)  
Pulse Life Advocates  
Right to Life of Central California  
Right to Life of Michigan  
Right to Life of Northeast Indiana  
Right to Life of Southwest Indiana  
S.M.A.R.T. Women's Healthcare - Science Matters in Abortion Related Trauma  
Sanctuary Cities for the Unborn Initiative  
Speakhope.net  
Stanton Healthcare  
Students for Life Action  
Tennessee Right to Life  
Texans for Life Committee  
Texas Values  
The Abortion Survivors Network  
The Family Foundation of Kentucky  
The FAMiLY Leader  
The Justice Foundation  
Thomas More Society  
Tradition, Family, Property, Inc.  
Unplanned Good Inc.  
Wyoming Family Alliance