

To: Members of Congress

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Subject: Obamacare funds abortion and is not covered by the Hyde amendment

Congress and President Trump gave Americans their first major pro-life legislative victory since *Dobbs* by defunding Big Abortion this summer. Now the Congress faces pressure to extend Obamacare's abortion-funding premium subsidies. Funding this abortion coverage would be a betrayal of this summer's victory and those principles so celebrated by Americans around the nation.

Pro-life Members of Congress have a longstanding record of opposing funding for the Affordable Care Act (ACA or Obamacare) unless the Hyde amendment is applied to the program. Unfortunately, both the original statute and subsequent expansion of Obamacare bypass the Hyde amendment and instead fund insurance that includes abortion. This break with longstanding policy in 2010 resulted in the largest expansion of abortion funding since the 1970s.

The Hyde Amendment

The Hyde amendment is a limitation of funds amendment attached to the Labor, Health and Human Services Appropriations Act (LHHS) every year. It has two prongs that explicitly prohibit taxpayer funding for 1. abortion and 2. health insurance plans that include abortion, when the funds are appropriated in the LHHS bill. This policy has a documented legacy of SAVING OVER 2.5 MILLION LIVES in Medicaid alone.¹

While many refer to the Hyde amendment broadly as a restriction on funding for abortion throughout government, it actually only applies to the LHHS bill and most notably prevents taxpayer funding for abortion through Medicaid. However, the Hyde policy is replicated in many other federal programs though amendments to other appropriations or authorizing bills. This is necessary because any bill funding health care includes abortion funding unless the Hyde policy is explicitly attached. For nearly 50 years, this patchwork of amendments has generally prevented taxpayer funding for abortion across the federal government with one exception – the 2010 enactment of Obamacare.

Obamacare Abortion Funding

The 2010 enactment of Obamacare ruptured the bipartisan legacy of the Hyde amendment. Among other objectionable provisions, the ACA authorized massive federal subsidies to fund health insurance plans that include abortion. Obama and the Democratic leadership at the time intentionally drafted the program

¹ New, M. J. (2023, June 27). *Hyde @ 40: Analyzing the impact of the Hyde Amendment with July 2020 and June 2023 addenda*. Charlotte Lozier Institute. <https://lozierinstitute.org/hyde-40-analyzing-the-impact-of-the-hyde-amendment-with-july-2020-and-june-2023-addenda/>

to avoid annual appropriations bills, thereby bypassing the Hyde amendment. Instead of stopping funding for health insurance plans that cover elective abortion, Section 1303 of the ACA expressly permits subsidies for such plans using elaborate accounting requirements and an abortion surcharge to justify the funding. Abortion coverage through ACA 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.

For over a decade, taxpayers have funded subsidies for plans that cover abortion on ACA exchanges, despite the linguistic gymnastics the Democrats parrot.² The Biden administration expanded these subsidies – and the abortion funding that goes with them – under the auspices of COVID-19 relief. Now Congress is being asked to continue the COVID coverage levels, but the pro-life Republican Congress must not accept a continuation without including the Hyde policy.

Republican Response to Obamacare Abortion Funding

Prior to and since the enactment of Obamacare, Republicans and leading pro-life organizations have been resolute in their opposition to abortion in the program. Ever since 2011, the No Taxpayer Funding for Abortion Act has been a top ten bill in the House in every Congress. The bill would establish a permanent, government-wide prohibition on federal funding for abortion including ensuring Obamacare tax credits no longer fund health plans that include abortion. Now is not the time to change course. The solution is clear: include the Obamacare section of H.R.7/S.186 in any bill to fund ACA premium tax credits or cost-sharing reduction programs.^{3, 4}

SBA Pro-Life America's Call to Action

From the start, Susan B. Anthony Pro-Life America has vigorously opposed any spending bill that includes Obamacare subsidy funding without the Hyde amendment and will continue to do so. We are joined by nearly 100 pro-life organizations in demanding that any extensions to Obamacare include a complete application of Hyde policy ([see letter here](#)).⁵ Preventing taxpayer funding of abortion is a minimum requirement for any new Obamacare spending advanced by a Republican Congress.

² Sobel, L. (2025, May 23). *Last-minute house reconciliation provision would set up clash with states over Marketplace Abortion Coverage*. KFF. <https://www.kff.org/quick-take/last-minute-house-reconciliation-provision-would-set-up-clash-with-states-over-marketplace-abortion-coverage/>

³ <https://www.congress.gov/bill/119th-congress/house-bill/7>

⁴ <https://www.congress.gov/bill/119th-congress/senate-bill/186>

⁵ Schemmel, A. (2025, September 8). *Obamacare expansion faces pro-life push to block abortion funding through subsidies*. Fox News. <https://www.foxnews.com/politics/obamacare-expansion-faces-pro-life-push-block-abortion-funding-through-subsidies>