



September 25, 2025

The Honorable Mike Johnson
Speaker of the U.S. House of Representatives
U.S. Capitol Building
Washington, D.C. 20515

The Honorable John Thune
Majority Leader
United States Senate
U.S. Capitol Building
Washington, D.C. 20510

Dear Speaker Johnson and Majority Leader Thune:

I write on behalf of ACLJ Action, and millions of pro-life Americans, regarding reports that Congress is considering extending the enhanced premium tax credits (PTCs) under the Affordable Care Act (ACA). Unless properly structured, these subsidies force taxpayers to subsidize elective abortions in violation of long-standing policy embodied in the Hyde Amendment.

For over forty years, the Hyde Amendment, and subsequent legislative provisions, have established that federal funds may not be used to pay for elective abortions or health insurance plans that cover elective abortion. This reflects both constitutional prudence and moral consensus across many in Congress and the public.

However, the ACA contains a significant departure from that policy. In particular:

- Section 1303 of the ACA allows plans on ACA exchanges that include coverage of elective abortion to receive taxpayer subsidies (premium tax credits, cost-sharing reductions), so long as those plans impose an “abortion surcharge,” or equivalent mechanism. But that accounting device does not prevent taxpayer dollars from supporting abortion coverage.
- Under current implementation (and especially under subsequent executive action), the safeguards are weak or rescinded, meaning that taxpayer funds are flowing toward funding plans that cover elective abortion.

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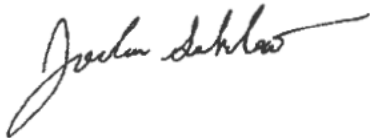
Before Congress moves forward with any extension of enhanced PTCs, it is essential that legislation *include real, enforceable provisions* ensuring that **no federal funds are used—directly or indirectly—to pay for elective abortions**. To honor the Hyde standard, any extension must contain:

1. **Clear statutory prohibition** that premium tax credits, cost-sharing reductions, or any related federal subsidies under the ACA may *only* be used for plans that absolutely exclude elective abortion coverage.
2. **No loopholes like “separate accounting” or “abortion surcharge”** that allow plans to cover elective abortion while still benefiting from federal subsidies. If a plan covers elective abortion, then it must be disqualified from receiving those subsidies, or else the law must require that the abortion component be fully funded by private dollars and clearly separate so that no taxpayer funds are diverted.
3. **Enforcement mechanisms:** meaningful auditing, reporting, and penalties for noncompliance. Congress must ensure that oversight does not depend solely on executive regulation subject to change with administrations, but is embedded in law.
4. **Transparency for Americans:** requiring insurers to clearly disclose whether plans do or do not cover elective abortion, the cost of that elective abortion coverage, and whether any taxpayer subsidy is implicated.
5. **Consistency with Hyde language:** using statutory language drawn from prior appropriations and Hyde-amendment practice, so that there is no ambiguity that Congress is rejecting taxpayer funding of abortion consistent with tradition.

We respectfully request that if any legislative vehicle extending enhanced premium tax credits is advanced, it must include robust Hyde-style prohibitions across the ACA: no taxpayer funds for elective abortion; no accounting gimmicks; strong enforcement; and full transparency. Anything less would be unacceptable.

Thank you for your leadership and for defending both the dignity of life and the integrity of our fiscal and moral obligations. Should you need legal analysis or assistance crafting specific statutory language, ACLJ Action stands ready.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan Sekulow", written in a cursive style.

Jordan Sekulow
Executive Director