Washington LEAD *for* Racial Justice Initiative

June 3, 2025

The Honorable John Thune
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

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

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Majority Leader Thune, Leader Schumer, Speaker Johnson, and Leader Jeffries:

On behalf of the 75 local, state, and national organizations below, we are writing to urge you to oppose efforts that make it increasingly difficult, if not impossible, for individuals enrolled in the Affordable Care Act (ACA) Marketplaces to obtain and maintain insurance coverage for abortion.

The freedom to decide if and when to build a family is essential to people's economic security – but that freedom is continually under threat. Because of a constantly shifting and hostile legal landscape, pregnant people are being forced to travel farther and farther from their homes to get abortions, and the increasing obstacles to travel are pushing people later into pregnancy before they are able to obtain care. These shifts mean the cost of obtaining abortion care is increasing, pushing access further out of reach for those facing the greatest financial and logistical barriers.

While abortion providers, funds, practical support networks, and others are doing all they can to fill the gap, the need is immense. The reality is that, for many, insurance coverage for abortion can be the difference between getting the abortion they need or ultimately being forced to remain pregnant.

The House-proposed reconciliation bill would only worsen this crisis. At the eleventh hour, the House of Representatives amended its budget reconciliation bill to reinstate cost-sharing reduction payments to qualified health plans (QHPs) offered on the ACA Marketplaces (a critical benefit that helps people pay for out-of-pocket health care costs), but prohibits those payments to plans that cover abortion beyond limited exceptions. **The practical effect of these last-minute amendments is a de facto Marketplace-wide ban on abortion coverage in states that do not have coverage requirements or prohibitions.**

Right now, where you live often determines your ability to access abortion care, and this bill will only worsen that reality. This provision is a direct attack on the millions of people who obtain coverage in the 12 states that require, and the 13 other states and D.C. that permit, plans to include abortion coverage. Furthermore, Section 1303 of the ACA already prohibits Marketplace insurers from using cost-sharing reduction payments or tax credits to pay for abortion services beyond the narrow exceptions under the discriminatory Hyde Amendment. Because of federal restrictions like the Hyde Amendment, state-level bans on both public and private insurance coverage of abortion, and a lack of available plans covering abortion care even when allowed by law, access to abortion coverage is already limited and difficult for many people to obtain. A defacto ban on Marketplace-wide abortion coverage will make this reality worse.

This serious disruption to coverage caused by the elimination of cost-sharing reduction payments and a de facto ban on Marketplace-wide coverage would have far-reaching consequences beyond the ACA Marketplace plans, likely reaching private insurance plans outside of the Marketplace as well. The bill would force insurance plans to offer two separate plans with different coverage depending on where and how people obtain their insurance, creating a confusing patchwork coverage scheme. While some states that restrict private insurance coverage of abortion allow plans to offer coverage riders for abortion, in practice this is not a workable solution. The majority of insurance companies either do not offer these riders or the process of finding and adding additional coverage is too burdensome for consumers to utilize, resulting in an insurance product that is effectively unavailable. Absent an abortion coverage mandate, insurers have no incentive to shoulder this administrative burden and are likely to simply drop all insurance coverage of abortion in some states if this bill passes. This will not only cause massive confusion for consumers, but will push coverage of abortion care even further out of reach for millions of pregnant people, especially for those who are Black, Indigenous, immigrants, young, have low incomes, have disabilities, live in rural areas, or are LGBTQIA+, who already face enormous barriers to care.

This last-minute amendment to the budget reconciliation bill is the latest in an ongoing series of politically motivated efforts to ban access to abortion nationwide. This type of extraneous provision, which targets and intends to eliminate access to a specific, essential health care service and was covertly added at the last minute, has no place in this bill. It is clearly a matter of policy, as Section 1303 is clear in its requirements and already governs abortion coverage in ACA marketplace plans. The House bill is in direct conflict with this, and it is beyond the scope of a budget reconciliation package to resolve such policy decisions. Access to abortion is essential and we urge you to reject any efforts that would make the abortion access landscape worse by further restricting Marketplace coverage of abortion.

Sincerely,

Abortion Forward (formerly Pro-Choice Ohio)

Abortion Fund of Arizona

Advocates for Youth

All* Above All

American College of Obstetricians and Gynecologists WA Section

ANA\California

Arkansas Abortion Support Network

Asian Counseling and Referral Service

BIPOC ED Coalition of Washington State

Birchwood Food Desert Fighters

Black Women for Wellness Action Project

California Latinas for Reproductive Justice

Center for Reproductive Rights

Chicago Abortion Fund

Children's Alliance

Cobalt Advocates

Equality California

Faith Roots Reproductive Action

Florida Access Network

Freedom Fund, Inc.

Gender Justice League

Guttmacher Institute

Ibis Reproductive Health

If/When/How: Lawyering for Reproductive Justice

In Our Own Voice: National Black Women's Reproductive Justice Agenda

Indigenous Women Rising

Indivisible

International Organization of Human Right Protection & Global Peace

Japanese American Citizens League

Kentucky Health Justice Network

Legal Voice

Midwest Access Coalition

National Abortion Federation

National Council of Jewish Women

National Family Planning & Reproductive Health Association

National Health Law Program

National Institute for Reproductive Health

National Latina Institute for Reproductive Justice

National Network of Abortion Funds

National Women's Law Center Action Fund

Nevada County Citizens for Choice

New Jersey Abortion Access Fund

North Seattle Progressives

Northwest Abortion Access Fund

Northwest Health Law Advocates (NoHLA)

Northwest Progressive Institute

Pacific Islander Community Association of Washington

Partners in Abortion Care

People Power United

Physicians for Reproductive Health

Planned Parenthood Federation of America

Power to Decide

Pro-Choice Washington

Reproductive Freedom for All

Reproductive Freedom Fund of New Hampshire

Reproductive Health Access Project

Rhia Ventures

SAFE Maine

Seattle/King County Coalition on Homelessness

SEIU 775

Service Employees International Union (SEIU)

Silver State Equality

SiX Action

Society for Maternal-Fetal Medicine

Union for Reform Judaism

Unidos Nueva Alianza

URGE: Unite for Reproductive & Gender Equity

Wallingford Indivisible

Washington Health Alliance

Washington Physicians for Social Responsibility

Whole Woman's Health

Wild West Access Fund of Nevada

Women's Emergency Network

Women of Reform Judaism

Women's March