

Congress of the United States
Washington, DC 20515

February 12, 2026

The Honorable Orice Williams Brown
Acting Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Ms. Williams Brown:

Many of our constituents are still struggling to obtain basic information regarding coverage of elective abortion through qualified health plans (QHPs) offered on Affordable Care Act (ACA) exchanges. On September 15, 2014, the Government Accountability Office (GAO) published a report entitled, “Health Insurance Exchanges: Coverage of Non-excepted Abortion Services by Qualified Health Plans” (GAO-14-742R).¹ According to GAO, at that time, 1,036 QHPs offered on the ACA exchanges in 28 states covered abortion on demand.² This is a crucial issue because Americans purchasing health plans on ACA exchanges are unable to make informed health care decisions that reflect their values and deeply held religious beliefs.

We are grateful for this past product and request an updated report regarding coverage of abortion by QHPs on the ACA exchanges for plan year 2026. This information will strengthen Congressional oversight of the spending of federal taxpayer dollars and will increase transparency for our constituents and the general public.

We request your assistance in obtaining the following information:

1. Please provide a list of QHPs on the exchanges, including state-based exchanges, state-based exchanges offered on the federal platform, and the federally facilitated exchange, that offer abortion as a covered benefit or mandate abortion services as an essential health benefit. Please also provide a list of the QHPs in the exchanges that exclude abortion as a covered benefit.
2. If a QHP covers abortion, please indicate the scope and circumstances regarding such benefit. If a QHP includes abortion coverage, please indicate the dollar amount of the abortion coverage surcharge described in 1303(b)(2)(B)(i)(II) of the ACA and which entity is responsible for paying the surcharge.
3. Please indicate how such surcharge is calculated and billed to consumers or other entities, if applicable. Please also describe in detail how insurers certify to CMS or the appropriate state-based entity that this surcharge is imposed separately, only used for the purposes defined under the ACA, held in separate accounts than monthly premium charges levied from beneficiaries, and that federal dollars are not used to pay the surcharge.

¹ Government Accountability Office. “Health Insurance Exchanges: Coverage of Non-excepted Abortion Services by Qualified Health Plans.” September 15, 2014. <https://www.gao.gov/assets/gao-14-742r.pdf>

² Ibid. Page 4.

4. Section 1303(b)(3)(A) of the ACA specifies that "[a] qualified health plan that provides for coverage of the services described in paragraph (1)(B)(i) [abortion in cases other than rape, incest or to save the life of the mother], shall provide a notice to enrollees, only as part of the summary of benefits and coverage explanation, at the time of enrollment, of such coverage." Please describe how this notice is provided to individuals purchasing plans through the exchanges, including state-based exchanges, state-based exchanges offered on the federal platform, and the federally facilitated exchange.
5. Please detail CMS' mechanism for ensuring insurers participating in the ACA exchanges are compliant with Section 1303 of the ACA.

We sincerely hope that this report will be completed in a timely manner, and we request a projection of its expected completion. Thank you for your attention to this request.

Sincerely,



James Lankford
United States Senator



Christopher H. Smith
Member of Congress



John Thune
Senate Majority Leader



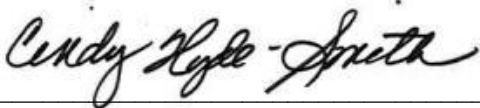
Mike Johnson
Speaker of the House



John Barrasso, M.D.
Senate Majority Whip



Steve Scalise
House Majority Leader



Cindy Hyde-Smith
United States Senator



Tom Emmer
House Majority Whip



Mike Crapo
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