AMENDMENT TO THE AMENDMENT IN THE

NATURE OF A SUBSTITUTE

OFFERED BY M.R. Ban ks

Add at the end of section 2401 the following:

(c) PROHIBITION ON FUNDING FOR ABORTIONS.—

(1) IN GENERAL.—Notwithstanding any of the
previous provisions of (including amendments made
by) this section, with respect to any COBRA con-
tinuation coverage that includes coverage for abor-
tions (other than any abortion or treatment de-
scribed in paragraph (2) or (3)), the provisions of
subsection (a)(1), including through application of
subsection (a)(4), shall not apply, premiums shall
not be payable under subsection (a), and a credit
under section 6432 of the Internal Revenue Code of
1986 shall not be allowed.

(2) CONSTRUCTION RELATING TO COMPLICATIONS ARISING FROM ABORTION.—Nothing in para-
graph (1) shall be construed to apply to any cov-
erage for the treatment of any infection, injury, dis-
ease, or disorder that has been caused by or exacer-
bated by the performance of an abortion. This rule
of construction shall be applicable without regard to
whether the abortion was performed in accord with
Federal or State law, and without regard to whether
funding for the abortion is permissible under para-
graph (3).

(3) TREATMENT OF ABORTIONS RELATED TO
RAPE, INCEST, OR PRESERVING THE LIFE OF THE
MOTHER.—The limitations established under para-
graph (1) shall not apply to an abortion—

(A) if the pregnancy is the result of an act
of rape or incest; or

(B) in the case where a woman suffers
from a physical disorder, physical injury, or
physical illness that would, as certified by a
physician, place the woman in danger of death
unless an abortion is performed, including a
life-endangering physical condition caused by or
arising from the pregnancy itself.

(4) SEPARATE ABORTION COVERAGE OR PLAN
ALLOWED.—

(A) OPTION TO PURCHASE SEPARATE COV-
ERAGE OR PLAN.—Nothing in paragraph (1)
shall be construed as prohibiting any individual
from purchasing separate coverage for abor-
tions described in such paragraph, or a health
plan that includes such abortions, so long as no
premium assistance or credit is allowed pursuant to this section, including amendments made by this section, with respect to the premiums for such coverage or plan.

(B) OPTION TO OFFER COVERAGE OR PLAN.—Nothing in paragraph (1) shall restrict any non-Federal health insurance issuer offering a health plan from offering separate coverage for abortions described in such paragraph, or a plan that includes such abortions, so long as premiums for such separate coverage or plan are not paid for with any amount attributable to the premium assistance or credit allowed pursuant to this section, including amendments made by this section.

(5) OFFERING IDENTICAL COVERAGE OPTION.—Notwithstanding any COBRA continuation provision, an issuer that offers COBRA continuation coverage that includes coverage of an abortion (other than an abortion or treatment described in paragraph (2) or (3)) shall also offer under the COBRA continuation provisions the same COBRA continuation coverage, except without inclusion of such coverage of abortion.