

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
OFFERED BY MR. Banks**

Add at the end of section 2401 the following:

1 (c) PROHIBITION ON FUNDING FOR ABORTIONS.—

2 (1) IN GENERAL.—Notwithstanding any of the
3 previous provisions of (including amendments made
4 by) this section, with respect to any COBRA con-
5 tinuation coverage that includes coverage for abor-
6 tions (other than any abortion or treatment de-
7 scribed in paragraph (2) or (3)), the provisions of
8 subsection (a)(1), including through application of
9 subsection (a)(4), shall not apply, premiums shall
10 not be payable under subsection (a), and a credit
11 under section 6432 of the Internal Revenue Code of
12 1986 shall not be allowed.

13 (2) CONSTRUCTION RELATING TO COMPLICA-
14 TIONS ARISING FROM ABORTION.—Nothing in para-
15 graph (1) shall be construed to apply to any cov-
16 erage for the treatment of any infection, injury, dis-
17 ease, or disorder that has been caused by or exacer-
18 bated by the performance of an abortion. This rule
19 of construction shall be applicable without regard to

1 whether the abortion was performed in accord with
2 Federal or State law, and without regard to whether
3 funding for the abortion is permissible under para-
4 graph (3).

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

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

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

18 (4) SEPARATE ABORTION COVERAGE OR PLAN
19 ALLOWED.—

20 (A) OPTION TO PURCHASE SEPARATE COV-
21 ERAGE OR PLAN.—Nothing in paragraph (1)
22 shall be construed as prohibiting any individual
23 from purchasing separate coverage for abor-
24 tions described in such paragraph, or a health
25 plan that includes such abortions, so long as no

1 premium assistance or credit is allowed pursu-
2 ant to this section, including amendments made
3 by this section, with respect to the premiums
4 for such coverage or plan.

5 (B) OPTION TO OFFER COVERAGE OR
6 PLAN.—Nothing in paragraph (1) shall restrict
7 any non-Federal health insurance issuer offer-
8 ing a health plan from offering separate cov-
9 erage for abortions described in such para-
10 graph, or a plan that includes such abortions,
11 so long as premiums for such separate coverage
12 or plan are not paid for with any amount at-
13 tributable to the premium assistance or credit
14 allowed pursuant to this section, including
15 amendments made by this section.

16 (5) OFFERING IDENTICAL COVERAGE OP-
17 TION.—Notwithstanding any COBRA continuation
18 provision, an issuer that offers COBRA continuation
19 coverage that includes coverage of an abortion (other
20 than an abortion or treatment described in para-
21 graph (2) or (3)) shall also offer under the COBRA
22 continuation provisions the same COBRA continu-
23 ation coverage, except without inclusion of such cov-
24 erage of abortion.

