

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit the use of Federal funds for abortions.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 3590

To amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. NELSON of Nebraska (for himself, Mr. HATCH, Mr. CASEY, Mr. BROWNBACK, Mr. THUNE, Mr. ENZI, Mr. COBURN, Mr. JOHANNIS, and Mr. VITTER) to the amendment (No. 2786) proposed by Mr. REID

Viz:

1 Beginning on page 116, strike line 15 and all that
2 follows through line 15 on page 123, and insert the fol-
3 lowing:

4 (a) SPECIAL RULES RELATING TO COVERAGE OF
5 ABORTION SERVICES.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 nothing in this Act (or any amendment made by this

1 Act) shall be construed to require any health plan to
2 provide coverage of abortion services or to allow the
3 Secretary or any other person or entity imple-
4 menting this Act (or amendment) to require cov-
5 erage of such services.

6 (2) COMMUNITY HEALTH INSURANCE OP-
7 TION.—The Secretary may not provide coverage of
8 abortion services in the community health insurance
9 option established under section 1323, except in the
10 case where use of funds authorized or appropriated
11 by this Act is permitted for such services under sub-
12 section (b)(1).

13 (3) NO DISCRIMINATION ON THE BASIS OF PRO-
14 VISION OF ABORTION.—No Exchange participating
15 health benefits plan may discriminate against any
16 individual health care provider or health care facility
17 because of its unwillingness to provide, pay for, pro-
18 vide coverage of, or refer for abortions.

19 (b) LIMITATION ON ABORTION FUNDING.—

20 (1) IN GENERAL.—No funds authorized or ap-
21 propriated by this Act (or an amendment made by
22 this Act) may be used to pay for any abortion or to
23 cover any part of the costs of any health plan that
24 includes coverage of abortion, except in the case
25 where a woman suffers from a physical disorder,

1 physical injury, or physical illness that would, as cer-
2 tified by a physician, place the woman in danger of
3 death unless an abortion is performed, including a
4 life-endangering physical condition caused by or aris-
5 ing from the pregnancy itself, or unless the preg-
6 nancy is the result of an act of rape or incest.

7 (2) OPTION TO PURCHASE SEPARATE SUPPLE-
8 MENTAL COVERAGE OR PLAN.—Nothing in this sub-
9 section shall be construed as prohibiting any non-
10 Federal entity (including an individual or a State or
11 local government) from purchasing separate supple-
12 mental coverage for abortions for which funding is
13 prohibited under this subsection, or a plan that in-
14 cludes such abortions, so long as—

15 (A) such coverage or plan is paid for en-
16 tirely using only funds not authorized or appro-
17 priated by this Act; and

18 (B) such coverage or plan is not purchased
19 using—

20 (i) individual premium payments re-
21 quired for a qualified health plan offered
22 through the Exchange towards which a
23 credit is applied under section 36B of the
24 Internal Revenue Code of 1986; or

1 (ii) other non-Federal funds required
2 to receive a Federal payment, including a
3 State's or locality's contribution of Med-
4 icaid matching funds.

5 (3) OPTION TO OFFER SUPPLEMENTAL COV-
6 ERAGE OR PLAN.—Nothing in this subsection shall
7 restrict any non-Federal health insurance issuer of-
8 fering a qualified health plan from offering separate
9 supplemental coverage for abortions for which fund-
10 ing is prohibited under this subsection, or a plan
11 that includes such abortions, so long as—

12 (A) premiums for such separate supple-
13 mental coverage or plan are paid for entirely
14 with funds not authorized or appropriated by
15 this Act;

16 (B) administrative costs and all services
17 offered through such supplemental coverage or
18 plan are paid for using only premiums collected
19 for such coverage or plan; and

20 (C) any such non-Federal health insurance
21 issuer that offers a qualified health plan
22 through the Exchange that includes coverage
23 for abortions for which funding is prohibited
24 under this subsection also offers a qualified
25 health plan through the Exchange that is iden-

1 tical in every respect except that it does not
2 cover abortions for which funding is prohibited
3 under this subsection.