AMENDMENT TO THE AMERICAN RESCUE PLAN

ACT OF 2021

OFFERED BY MRS. RODGERS OF WASHINGTON

At the end of section 2401, add the following:

(e) 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 continuation coverage that includes coverage for abortions (other than any abortion or treatment described 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 paragraph (1) shall be construed to apply to any coverage for the treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated 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.
At the end of title IX, subtitle G, part 7, add the following (and amend the table of contents accordingly):

1 **SEC. 9664. MODIFICATIONS TO PREMIUM TAX CREDIT RELATING TO ABORTION COVERAGE.**

2 (a) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by striking “shall not include” and all that follows and inserting the following: “shall not include any health plan that—

3 “(i) is a catastrophic plan described in section 1302(e) of such Act, or

4 “(ii) includes coverage for abortions (except as otherwise provided in subparagraph (C)).”.

5 (b) CONFORMING AMENDMENTS.—Section 36B(c)(3) of such Code is amended by adding at the end the following new subparagraph:

6 “(C) CERTAIN RULES RELATED TO ABORTION.—

7 “(i) CONSTRUCTION RELATING TO COMPLICATIONS ARISING FROM ABORTION.—Nothing in subparagraph (A) shall be construed to apply to any coverage for the treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated 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 clause (ii).

“(ii) TREATMENT OF ABORTIONS RELATED TO RAPE, INCEST, OR PRESERVING THE LIFE OF THE MOTHER.—The limitations established under subparagraph (A) shall not apply to an abortion—

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

“(II) 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.

“(iii) SEPARATE ABORTION COVERAGE OR PLAN ALLOWED.—
“(I) Option to purchase separate coverage or plan.—Nothing in subparagraph (A) shall be construed as prohibiting any individual from purchasing separate coverage for abortions 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.

“(II) Option to offer coverage or plan.—Nothing in subparagraph (A) 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 sec-
At the end of the matter proposed to be added as title X, add the following new section:

SEC. _____ LIMITATION.

Amounts appropriated pursuant to this title shall be subject to the limitations specified in the fifth and seventh provisos under the heading “Global Health Programs” in division K of Public Law 116-260 with respect to funds appropriated under such division.

Add, at the end of the bill, the following (and amend the table of contents accordingly):

TITLE X—RESTRICTIONS ON USE OF FUNDS IN CONNECTION WITH ABORTIONS

SEC. 10001. LIMITATION RELATING TO ABORTION.

Amounts appropriated pursuant to titles I, II, III, IV, V, and IX shall be subject to the limitation specified in sections 506 and 507 of division H of Public Law 116-260 with respect to funds appropriated under such Act.