

**AMENDMENT TO THE
SENATE AMENDMENT TO H.R. 1
OFFERED BY M__ . _____**

Strike section 71113.

Add at the end of subtitle B of title VII the following:

1 **SEC. ____. EQUAL ACCESS TO ABORTION COVERAGE IN**
2 **HEALTH INSURANCE.**

3 (a) DEFINITIONS.—For purposes of this section:

4 (1) ABORTION SERVICES.—The term “abortion
5 services” means an abortion and any services related
6 to and provided in conjunction with an abortion,
7 whether or not provided at the same time or on the
8 same day as the abortion.

9 (2) HEALTH PROGRAM OR PLAN.—The term
10 “health program or plan” means the following
11 health programs or plans that pay the cost of, or
12 provide, health care:

13 (A) The Medicaid program under title XIX
14 of the Social Security Act (42 U.S.C. 1396 et
15 seq.).

1 (B) The Children's Health Insurance Pro-
2 gram under title XXI of the Social Security Act
3 (42 U.S.C. 1397 et seq.).

4 (C) The Medicare program under title
5 XVIII of the Social Security Act (42 U.S.C.
6 1395 et seq.).

7 (D) A Medicare supplemental policy as de-
8 fined in section 1882(g)(1) of the Social Secu-
9 rity Act (42 U.S.C. 1395ss(g)(1)).

10 (E) The Indian Health Service program
11 under the Indian Health Care Improvement Act
12 (25 U.S.C. 1601 et seq.).

13 (F) Medical care and health benefits under
14 the TRICARE program (10 U.S.C. 1071 et
15 seq.).

16 (G) Benefits for veterans under chapter 17
17 of title 38, United States Code, and medical
18 care for survivors and dependents of veterans
19 (38 U.S.C. 1781 et seq.).

20 (H) Benefits under the uniform health
21 benefits program for employees of the Depart-
22 ment of Defense assigned to a nonappropriated
23 fund instrumentality of the Department estab-
24 lished under section 349 of the National De-

1 fense Authorization Act for Fiscal Year 1995
2 (Public Law 103–337; 10 U.S.C. 1587 note).

3 (I) Medical care for individuals in the care
4 or custody of the Department of Homeland Se-
5 curity pursuant to any of sections 235, 236, or
6 241 of the Immigration and Nationality Act (8
7 U.S.C. 1225, 1226, 1231).

8 (J) Medical care for individuals in the care
9 or custody of the Department of Health and
10 Human Services, Office of Refugee Resettle-
11 ment under section 235 of the William Wilber-
12 force Trafficking Victims Protection Reauthor-
13 ization Act of 2008 (8 U.S.C. 1232) or section
14 462 of the Homeland Security Act of 2002 (6
15 U.S.C. 279).

16 (K) Medical assistance to refugees under
17 section 412 of the Immigration and Nationality
18 Act (8 U.S.C. 1522).

19 (L) Other coverage, such as a State health
20 benefits risk pool, as the Secretary of Health
21 and Human Services, in coordination with the
22 Secretary of the Treasury, recognizes for pur-
23 poses of section 5000A(f)(1)(E) of the Internal
24 Revenue Code of 1986 (26 U.S.C.
25 5000A(f)(1)(E)).

1 (M) The Federal Employees Health Ben-
2 efit Plan under chapter 89 of title 5, United
3 States Code.

4 (N) Medical care for individuals under the
5 care or custody of the Department of Justice
6 pursuant to chapter 301 of title 18 (18 U.S.C.
7 4001 et seq.).

8 (O) Medical care for Peace Corps volun-
9 teers under section 5(e) of the Peace Corps Act
10 (22 U.S.C. 2504(e)).

11 (P) Other government-sponsored programs
12 established after the date of the enactment of
13 this Act.

14 (b) ABORTION COVERAGE AND CARE REGARDLESS
15 OF INCOME OR SOURCE OF INSURANCE.—

16 (1) ENSURING ABORTION COVERAGE AND CARE
17 THROUGH THE FEDERAL GOVERNMENT IN ITS ROLE
18 AS AN INSURER AND EMPLOYER.—Each person in-
19 sured by, enrolled in, or otherwise receiving medical
20 care from health programs or plans described in
21 subsection (a)(2) shall receive coverage of abortion
22 services. Health programs or plans described in sub-
23 section (a)(2) shall provide coverage of abortion
24 services.

1 (2) ENSURING ABORTION COVERAGE AND CARE
2 THROUGH THE FEDERAL GOVERNMENT IN ITS ROLE
3 AS A HEALTH CARE PROVIDER.—In its role as a pro-
4 vider of health services including in health programs
5 and plans described in subsection (a)(2), the Federal
6 Government shall ensure access to abortion services
7 for individuals who are eligible to receive medical
8 care in its own facilities or in facilities with which
9 it contracts to provide medical care.

10 (3) PROHIBITING RESTRICTIONS ON PRIVATE
11 INSURANCE COVERAGE OF ABORTION SERVICES.—
12 The Federal Government shall not prohibit, restrict,
13 or otherwise inhibit insurance coverage of abortion
14 services by State or local government or by private
15 health plans.

16 (c) REPEAL OF SECTION 1303.—

17 (1) IN GENERAL.—Section 1303 of the Patient
18 Protection and Affordable Care Act (42 U.S.C.
19 18023) is repealed.

20 (2) CONFORMING AMENDMENTS.—

21 (A) BASIC HEALTH PLANS.—Section
22 1331(d) of the Patient Protection and Afford-
23 able Care Act (42 U.S.C. 18051(d)) is amended
24 by striking paragraph (4).

1 (B) MULTI-STATE PLANS.—Section
2 1334(a) of the Patient Protection and Afford-
3 able Care Act (Public Law 111–148) is amend-
4 ed—

5 (i) by striking paragraph (6); and

6 (ii) by redesignating paragraph (7) as
7 paragraph (6).

8 (d) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) the Federal Government, acting in its ca-
11 pacity as an insurer, employer, or health care pro-
12 vider, should serve as a model for the Nation to en-
13 sure coverage of abortion services; and

14 (2) restrictions on coverage of abortion services
15 in the private insurance market must end.

16 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to have any effect on any Federal,
18 State, or local law that includes more protections for abor-
19 tion coverage or services than those set forth in this sec-
20 tion.

21 (f) RELATIONSHIP TO FEDERAL LAW.—This section
22 supersedes and applies to all Federal law, and the imple-
23 mentation of that law, whether statutory or otherwise, and
24 whether adopted before or after the date of enactment of

1 this Act and is not subject to the Religious Freedom Res-
2 toration Act of 1993 (42 U.S.C. 2000bb et seq.).

3 (g) SEVERABILITY.—If any portion of this section or
4 the application thereof to any person, entity, government,
5 or circumstances is held invalid, such invalidity shall not
6 affect the portions or applications of this section which
7 can be given effect without the invalid portion or applica-
8 tion.

