AMENDMENT NO. 2962

To an

By NELSON (NE) - OTHERS

Ref:

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. JOHANNES, and Mr. VITTER) to the amendment (No. 2786) proposed by Mr. REID

Viz:

1. Beginning on page 116, strike line 15 and all that follows through line 15 on page 123, and insert the following:

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

(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act (or any amendment made by this
Act) shall be construed to require any health plan to provide coverage of abortion services or to allow the Secretary or any other person or entity implementing this Act (or amendment) to require coverage of such services.

(2) **Community Health Insurance Option.**—The Secretary may not provide coverage of abortion services in the community health insurance option established under section 1323, except in the case where use of funds authorized or appropriated by this Act is permitted for such services under subsection (b)(1).

(3) **No Discrimination on the Basis of Provision of Abortion.**—No Exchange participating health benefits plan may discriminate against any individual health care provider or health care facility because of its unwillingness to provide, pay for, provide coverage of, or refer for abortions.

(b) **Limitation on Abortion Funding.**—

(1) **In General.**—No funds authorized or appropriated by this Act (or an amendment made by this Act) may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except in the case where a woman suffers from a physical disorder,
physical injury, or physical illness that would, as cer-
tified by a physician, place the woman in danger of
death unless an abortion is performed, including a
life-endangering physical condition caused by or aris-
ing from the pregnancy itself, or unless the preg-
nancy is the result of an act of rape or incest.

(2) Option to Purchase Separate Supplemental Coverage or Plan.—Nothing in this sub-
section shall be construed as prohibiting any non-
Federal entity (including an individual or a State or
local government) from purchasing separate supple-
mental coverage for abortions for which funding is
prohibited under this subsection, or a plan that in-
cludes such abortions, so long as—

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

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

(i) individual premium payments re-
quired for a qualified health plan offered
through the Exchange towards which a
credit is applied under section 36B of the
Internal Revenue Code of 1986; or
(ii) other non-Federal funds required
to receive a Federal payment, including a
State's or locality’s contribution of Med-
icaid matching funds.

(3) Option to offer supplemental cov-
erage or plan.—Nothing in this subsection shall
restrict any non-Federal health insurance issuer of-
fering a qualified health plan from offering separate
supplemental coverage for abortions for which fund-
ing is prohibited under this subsection, or a plan
that includes such abortions, so long as—

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

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

(C) any such non-Federal health insurance
issuer that offers a qualified health plan
through the Exchange that includes coverage
for abortions for which funding is prohibited
under this subsection also offers a qualified
health plan through the Exchange that is iden-
tical in every respect except that it does not
cover abortions for which funding is prohibited
under this subsection.