

Amendment to the Amendment in the Nature of a Substitute to Subtitle F. Budget Reconciliation Legislative Recommendations Relating to Continuation of Job-Based Coverage offered by Rep. Walorski of Indiana.

This amendment would add pro-life Hyde protections to COBRA.

**AMENDMENT TO THE AMENDMENT IN THE NA-
TURE OF A SUBSTITUTE RELATING TO SUB-
TITLE F**

OFFERED BY MS. WALORSKI

Page 30, after line 18, insert 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

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

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

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

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

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

21 (A) OPTION TO PURCHASE SEPARATE COV-
22 ERAGE OR PLAN.—Nothing in paragraph (1)
23 shall be construed as prohibiting any individual
24 from purchasing separate coverage for abor-
25 tions described in such paragraph, or a health

1 plan that includes such abortions, so long as no
2 premium assistance or credit is allowed pursu-
3 ant to this section, including amendments made
4 by this section, with respect to the premiums
5 for such coverage or plan.

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

17 (5) OFFERING IDENTICAL COVERAGE OP-
18 TION.—Notwithstanding any COBRA continuation
19 provision, an issuer that offers COBRA continuation
20 coverage that includes coverage of an abortion (other
21 than an abortion or treatment described in para-
22 graph (2) or (3)) shall also offer under the COBRA
23 continuation provisions the same COBRA continu-

1 ation coverage, except without inclusion of such cov-
2 erage of abortion.

