

**AMENDMENT TO THE AMERICAN RESCUE PLAN**  
**ACT OF 2021**  
**OFFERED BY MRS. RODGERS OF WASHINGTON**

At the end of section 2401, add 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  
19      of construction shall be applicable without regard to

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

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

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

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

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

20          (A) OPTION TO PURCHASE SEPARATE COV-  
21       ERAGE OR PLAN.—Nothing in paragraph (1)  
22       shall be construed as prohibiting any individual  
23       from purchasing separate coverage for abor-  
24       tions described in such paragraph, or a health  
25       plan that includes such abortions, so long as no

1 premium assistance or credit is allowed pursu-  
2 ant to this section, including amendments made  
3 by this section, with respect to the premiums  
4 for such coverage or plan.

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

16 (5) OFFERING IDENTICAL COVERAGE OP-  
17 TION.—Notwithstanding any COBRA continuation  
18 provision, an issuer that offers COBRA continuation  
19 coverage that includes coverage of an abortion (other  
20 than an abortion or treatment described in para-  
21 graph (2) or (3)) shall also offer under the COBRA  
22 continuation provisions the same COBRA continu-  
23 ation coverage, except without inclusion of such cov-  
24 erage 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 RE-**  
2 **LATING TO ABORTION COVERAGE.**

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

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

9 “(ii) includes coverage for abortions  
10 (except as otherwise provided in subpara-  
11 graph (C)).”.

12 (b) CONFORMING AMENDMENTS.—Section 36B(e)(3)  
13 of such Code is amended by adding at the end the fol-  
14 lowing new subparagraph:

15 “(C) CERTAIN RULES RELATED TO ABOR-  
16 TION.—

17 “(i) CONSTRUCTION RELATING TO  
18 COMPLICATIONS ARISING FROM ABOR-  
19 TION.—Nothing in subparagraph (A) shall  
20 be construed to apply to any coverage for  
21 the treatment of any infection, injury, dis-  
22 ease, or disorder that has been caused by  
23 or exacerbated by the performance of an

1                   abortion. This rule of construction shall be  
2                   applicable without regard to whether the  
3                   abortion was performed in accord with  
4                   Federal or State law, and without regard  
5                   to whether funding for the abortion is per-  
6                   missible under clause (ii).

7                   “(ii) TREATMENT OF ABORTIONS RE-  
8                   LATED TO RAPE, INCEST, OR PRESERVING  
9                   THE LIFE OF THE MOTHER.—The limita-  
10                  tions established under subparagraph (A)  
11                  shall not apply to an abortion—

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

14                   “(II) in the case where a woman  
15                   suffers from a physical disorder, phys-  
16                   ical injury, or physical illness that  
17                   would, as certified by a physician,  
18                   place the woman in danger of death  
19                   unless an abortion is performed, in-  
20                   cluding a life-endangering physical  
21                   condition caused by or arising from  
22                   the pregnancy itself.

23                   “(iii) SEPARATE ABORTION COVERAGE  
24                   OR PLAN ALLOWED.—

1                   “(I) OPTION TO PURCHASE SEPA-  
2                   RATE COVERAGE OR PLAN.—Nothing  
3                   in subparagraph (A) shall be con-  
4                   strued as prohibiting any individual  
5                   from purchasing separate coverage for  
6                   abortions described in such para-  
7                   graph, or a health plan that includes  
8                   such abortions, so long as no premium  
9                   assistance or credit is allowed pursu-  
10                  ant to this section, including amend-  
11                  ments made by this section, with re-  
12                  spect to the premiums for such cov-  
13                  erage or plan.

14                  “(II) OPTION TO OFFER COV-  
15                  ERAGE OR PLAN.—Nothing in sub-  
16                  paragraph (A) shall restrict any non-  
17                  Federal health insurance issuer offer-  
18                  ing a health plan from offering sepa-  
19                  rate coverage for abortions described  
20                  in such paragraph, or a plan that in-  
21                  cludes such abortions, so long as pre-  
22                  miums for such separate coverage or  
23                  plan are not paid for with any amount  
24                  attributable to the premium assistance  
25                  or credit allowed pursuant to this sec-

1                                   tion, including amendments made by  
2                                   this section.”.

At the end of the matter proposed to be added as  
title X, add the following new section:

3 **SEC. \_\_\_\_\_ . LIMITATION.**

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

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

9 **TITLE X—RESTRICTIONS ON USE**  
10 **OF FUNDS IN CONNECTION**  
11 **WITH ABORTIONS**

12 **SEC. 10001. LIMITATION RELATING TO ABORTION.**

13       Amounts appropriated pursuant to titles I, II, III,  
14 IV, V, and IX shall be subject to the limitation specified  
15 in sections 506 and 507 of division H of Public Law 116–  
16 260 with respect to funds appropriated under such Act.

