

**AMENDMENT TO THE AMENDMENT IN THE NA-
TURE OF A SUBSTITUTE TO THE COMMITTEE
PRINT
OFFERED BY MR. JOHNSON OF LOUISIANA**

Page 18, insert after line 8 the following:

1 **Subtitle C—Prohibiting Federally**
2 **Funded Abortions**

3 **SEC. 62001. PROHIBITING TAXPAYER FUNDED ABORTIONS.**

4 Title 1, United States Code, is amended by adding
5 at the end the following new chapter:

6 **“CHAPTER 4—PROHIBITING TAXPAYER**
7 **FUNDED ABORTIONS**

“301. Prohibition on funding for abortions.

“302. Prohibition on funding for health benefits plans that cover abortion.

“303. Limitation on Federal facilities and employees.

“304. Construction relating to separate coverage.

“305. Construction relating to the use of non-Federal funds for health coverage.

“306. Non-preemption of other Federal laws.

“307. Construction relating to complications arising from abortion.

“308. Treatment of abortions related to rape, incest, or preserving the life of
the mother.

“309. Application to District of Columbia.

8 **“§ 301. Prohibition on funding for abortions**

9 “No funds authorized or appropriated by Federal
10 law, and none of the funds in any trust fund to which
11 funds are authorized or appropriated by Federal law, shall
12 be expended for any abortion.

1 **“§ 302. Prohibition on funding for health benefits**
2 **plans that cover abortion**

3 “None of the funds authorized or appropriated by
4 Federal law, and none of the funds in any trust fund to
5 which funds are authorized or appropriated by Federal
6 law, shall be expended for health benefits coverage that
7 includes coverage of abortion.

8 **“§ 303. Limitation on Federal facilities and employees**

9 “No health care service furnished—

10 “(1) by or in a health care facility owned or op-
11 erated by the Federal Government; or

12 “(2) by any physician or other individual em-
13 ployed by the Federal Government to provide health
14 care services within the scope of the physician’s or
15 individual’s employment,

16 may include abortion.

17 **“§ 304. Construction relating to separate coverage**

18 “Nothing in this chapter shall be construed as pro-
19 hibiting any individual, entity, or State or locality from
20 purchasing separate abortion coverage or health benefits
21 coverage that includes abortion so long as such coverage
22 is paid for entirely using only funds not authorized or ap-
23 propriated by Federal law and such coverage shall not be
24 purchased using matching funds required for a federally
25 subsidized program, including a State’s or locality’s con-
26 tribution of Medicaid matching funds.

1 **“§ 305. Construction relating to the use of non-Fed-**
2 **eral funds for health coverage**

3 “Nothing in this chapter shall be construed as re-
4 stricting the ability of any non-Federal health benefits cov-
5 erage provider from offering abortion coverage, or the abil-
6 ity of a State or locality to contract separately with such
7 a provider for such coverage, so long as only funds not
8 authorized or appropriated by Federal law are used and
9 such coverage shall not be purchased using matching
10 funds required for a federally subsidized program, includ-
11 ing a State’s or locality’s contribution of Medicaid match-
12 ing funds.

13 **“§ 306. Non-preemption of other Federal laws**

14 “Nothing in this chapter shall repeal, amend, or have
15 any effect on any other Federal law to the extent such
16 law imposes any limitation on the use of funds for abortion
17 or for health benefits coverage that includes coverage of
18 abortion, beyond the limitations set forth in this chapter.

19 **“§ 307. Construction relating to complications arising**
20 **from abortion**

21 “Nothing in this chapter shall be construed to apply
22 to the treatment of any infection, injury, disease, or dis-
23 order that has been caused by or exacerbated by the per-
24 formance of an abortion. This rule of construction shall
25 be applicable without regard to whether the abortion was
26 performed in accord with Federal or State law, and with-

1 out regard to whether funding for the abortion is permis-
2 sible under section 308.

3 **“§ 308. Treatment of abortions related to rape, incest,**
4 **or preserving the life of the mother**

5 “The limitations established in sections 301, 302,
6 and 303 shall not apply to an abortion—

7 “(1) if the pregnancy is the result of an act of
8 rape or incest; or

9 “(2) in the case where a woman suffers from a
10 physical disorder, physical injury, or physical illness
11 that would, as certified by a physician, place the
12 woman in danger of death unless an abortion is per-
13 formed, including a life-endangering physical condi-
14 tion caused by or arising from the pregnancy itself.

15 **“§ 309. Application to District of Columbia**

16 “In this chapter:

17 “(1) Any reference to funds appropriated by
18 Federal law shall be treated as including any
19 amounts within the budget of the District of Colum-
20 bia that have been approved by an Act of Congress
21 pursuant to section 446 of the District of Columbia
22 Home Rule Act (or any applicable successor Federal
23 law).

24 “(2) The term ‘Federal Government’ includes
25 the government of the District of Columbia.”.

1 **SEC. 62002. AMENDMENT TO TABLE OF CHAPTERS.**

2 The table of chapters for title 1, United States Code,
3 is amended by adding at the end the following new item:

“4. **Prohibiting taxpayer funded abortions** **301”.**

4 **SEC. 62003. CLARIFYING APPLICATION OF PROHIBITION TO**
5 **PREMIUM CREDITS AND COST-SHARING RE-**
6 **DUCTIONS UNDER ACA.**

7 (a) IN GENERAL.—

8 (1) DISALLOWANCE OF REFUNDABLE CREDIT
9 AND COST-SHARING REDUCTIONS FOR COVERAGE
10 UNDER QUALIFIED HEALTH PLAN WHICH PROVIDES
11 COVERAGE FOR ABORTION.—

12 (A) IN GENERAL.—Subparagraph (A) of
13 section 36B(c)(3) of the Internal Revenue Code
14 of 1986 is amended by inserting before the pe-
15 riod at the end the following: “or any health
16 plan that includes coverage for abortions (other
17 than any abortion or treatment described in
18 section 307 or 308 of title 1, United States
19 Code)”.

20 (B) OPTION TO PURCHASE OR OFFER SEP-
21 ARATE COVERAGE OR PLAN.—Paragraph (3) of
22 section 36B(c) of such Code is amended by
23 adding at the end the following new subpara-
24 graph:

1 “(C) SEPARATE ABORTION COVERAGE OR
2 PLAN ALLOWED.—

3 “(i) OPTION TO PURCHASE SEPARATE
4 COVERAGE OR PLAN.—Nothing in subpara-
5 graph (A) shall be construed as prohibiting
6 any individual from purchasing separate
7 coverage for abortions described in such
8 subparagraph, or a health plan that in-
9 cludes such abortions, so long as no credit
10 is allowed under this section with respect
11 to the premiums for such coverage or plan.

12 “(ii) OPTION TO OFFER COVERAGE OR
13 PLAN.—Nothing in subparagraph (A) shall
14 restrict any non-Federal health insurance
15 issuer offering a health plan from offering
16 separate coverage for abortions described
17 in such subparagraph, or a plan that in-
18 cludes such abortions, so long as premiums
19 for such separate coverage or plan are not
20 paid for with any amount attributable to
21 the credit allowed under this section (or
22 the amount of any advance payment of the
23 credit under section 1412 of the Patient
24 Protection and Affordable Care Act).”.

1 (2) DISALLOWANCE OF SMALL EMPLOYER
2 HEALTH INSURANCE EXPENSE CREDIT FOR PLAN
3 WHICH INCLUDES COVERAGE FOR ABORTION.—Sub-
4 section (h) of section 45R of the Internal Revenue
5 Code of 1986 is amended—

6 (A) by striking “Any term” and inserting
7 the following:

8 “(1) IN GENERAL.—Any term”; and

9 (B) by adding at the end the following new
10 paragraph:

11 “(2) EXCLUSION OF HEALTH PLANS INCLUDING
12 COVERAGE FOR ABORTION.—

13 “(A) IN GENERAL.—The term ‘qualified
14 health plan’ does not include any health plan
15 that includes coverage for abortions (other than
16 any abortion or treatment described in section
17 307 or 308 of title 1, United States Code).

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

20 “(i) OPTION TO PURCHASE SEPARATE
21 COVERAGE OR PLAN.—Nothing in subpara-
22 graph (A) shall be construed as prohibiting
23 any employer from purchasing for its em-
24 ployees separate coverage for abortions de-
25 scribed in such subparagraph, or a health

1 plan that includes such abortions, so long
2 as no credit is allowed under this section
3 with respect to the employer contributions
4 for such coverage or plan.

5 “(ii) OPTION TO OFFER COVERAGE OR
6 PLAN.—Nothing in subparagraph (A) shall
7 restrict any non-Federal health insurance
8 issuer offering a health plan from offering
9 separate coverage for abortions described
10 in such subparagraph, or a plan that in-
11 cludes such abortions, so long as such sep-
12 arate coverage or plan is not paid for with
13 any employer contribution eligible for the
14 credit allowed under this section.”.

15 (3) CONFORMING ACA AMENDMENTS.—Section
16 1303(b) of Public Law 111–148 (42 U.S.C.
17 18023(b)) is amended—

18 (A) by striking paragraph (2);

19 (B) by striking paragraph (3), as amended
20 by section 202(a); and

21 (C) by redesignating paragraph (4) as
22 paragraph (2).

23 (b) APPLICATION TO MULTI-STATE PLANS.—Para-
24 graph (6) of section 1334(a) of Public Law 111–148 (42
25 U.S.C. 18054(a)) is amended to read as follows:

1 “(6) COVERAGE CONSISTENT WITH FEDERAL
2 ABORTION POLICY.—In entering into contracts
3 under this subsection, the Director shall ensure that
4 no multi-State qualified health plan offered in an
5 Exchange provides health benefits coverage for
6 which the expenditure of Federal funds is prohibited
7 under chapter 4 of title 1, United States Code.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall apply to taxable years ending after
10 December 31, 2021, but only with respect to plan years
11 beginning after such date, and the amendment made by
12 subsection (b) shall apply to plan years beginning after
13 such date.

14 **SEC. 62004. REVISION OF NOTICE REQUIREMENTS REGARD-**
15 **ING DISCLOSURE OF EXTENT OF HEALTH**
16 **PLAN COVERAGE OF ABORTION AND ABOR-**
17 **TION PREMIUM SURCHARGES.**

18 (a) IN GENERAL.—Paragraph (3) of section 1303(b)
19 of Public Law 111–148 (42 U.S.C. 18023(b)) is amended
20 to read as follows:

21 “(3) RULES RELATING TO NOTICE.—

22 “(A) IN GENERAL.—The extent of cov-
23 erage (if any) of services described in para-
24 graph (1)(B)(i) or (1)(B)(ii) by a qualified
25 health plan shall be disclosed to enrollees at the

1 time of enrollment in the plan and shall be
2 prominently displayed in any marketing or ad-
3 vertising materials, comparison tools, or sum-
4 mary of benefits and coverage explanation made
5 available with respect to such plan by the issuer
6 of the plan, by an Exchange, or by the Sec-
7 retary, including information made available
8 through an Internet portal or Exchange under
9 sections 1311(c)(5) and 1311(d)(4)(C).

10 “(B) SEPARATE DISCLOSURE OF ABOR-
11 TION SURCHARGES.—In the case of a qualified
12 health plan that includes the services described
13 in paragraph (1)(B)(i) and where the premium
14 for the plan is disclosed, including in any mar-
15 keting or advertising materials or any other in-
16 formation referred to in subparagraph (A), the
17 surcharge described in paragraph (2)(B)(i)(II)
18 that is attributable to such services shall also be
19 disclosed and identified separately.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply to materials, tools, or other in-
22 formation made available more than 30 days after the date
23 of the enactment of this Act.

