

**AMENDMENT (Herrell #2) TO THE AMENDMENT IN THE NATURE OF  
A SUBSTITUTE TO THE COMMITTEE PRINT**

**Offered by Ms. Herrell of New Mexico**

In Sec. 602(b), insert a new paragraph (4) and renumber accordingly:

“(4) Exception.— Notwithstanding the provisions of paragraphs (1)-(3), the Secretary shall make no payment to any State, territory, or Tribal government that has not enacted a law(s) that (1) requires a health care practitioner who is present in the event that a child is born alive following an abortion or an attempted abortion to— (A) exercise the same degree of care as reasonably provided to another child born alive at the same gestational age, and (B) immediately admit the child to a hospital; and (2) requires a health care practitioner or other employee to immediately report any failure to comply with this requirement to law enforcement for criminal prosecution.”

In Sec. 603(b), insert new paragraph (5) and renumber accordingly:

“(5) Exception.— Notwithstanding the provisions of paragraphs (1)-(4), the Secretary shall make no payment to any metropolitan city, nonentitlement unit of local government, or county that has not enacted a law(s) that (1) requires a health care practitioner who is present in the event that a child is born alive following an abortion or an attempted abortion to— (A) exercise the same degree of care as reasonably provided to another child born alive at the same gestational age, and (B) immediately admit the child to a hospital; and (2) requires a health care practitioner or other employee to immediately report any failure to comply with this requirement to law enforcement for criminal prosecution.”