

117TH CONGRESS  
1ST SESSION

# H. R. 581

To amend title XIX of the Social Security Act and Public Health Service Act to improve the reporting of abortion data to the Centers for Disease Control and Prevention, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. NORMAN (for himself, Mr. PALMER, Mr. ADERHOLT, Mr. LAMBORN, Mr. ROGERS of Alabama, Mrs. WAGNER, Mr. MOONEY, Mr. BUDD, Mr. ESTES, Mr. MURPHY of North Carolina, Mr. BANKS, Mr. RUTHERFORD, Mr. LAMALFA, Mr. ALLEN, Mr. BABIN, Mr. GIBBS, Mr. WESTERMAN, Mr. PALAZZO, Mrs. HARSHBARGER, Mr. SESSIONS, Mr. TIMMONS, Mr. DUNCAN, Mr. DAVIDSON, Mr. SMUCKER, Mr. GROTHMAN, Mr. WENSTRUP, Mr. WILSON of South Carolina, Mr. LATTA, Mr. JORDAN, Mr. HICE of Georgia, Mr. CARL, Mrs. LESKO, Mr. LUETKEMEYER, Mr. MOORE of Alabama, Mr. BIGGS, Mr. BACON, Mr. ROSE, Mr. GOOD of Virginia, Mr. HARRIS, Mrs. RODGERS of Washington, Mr. WALTZ, Mr. CLOUD, Mr. GAETZ, Mrs. BOEBERT, Mr. WEBER of Texas, Mr. ROSENDALE, Ms. HERRELL, Mr. RICE of South Carolina, Mr. JACKSON, Mr. BISHOP of North Carolina, Mr. HUIZENGA, Mr. LONG, Mr. C. SCOTT FRANKLIN of Florida, Mr. KELLY of Pennsylvania, Mr. JOHNSON of Louisiana, Mr. BROOKS, and Mr. WOMACK) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act and Public Health Service Act to improve the reporting of abortion data to the Centers for Disease Control and Prevention, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Ensuring Accurate and  
5 Complete Abortion Data Reporting Act of 2021”.

6 **SEC. 2. FINDINGS.**

7        Congress finds the following:

8            (1) Reporting abortion data has been voluntary  
9            in the past, which has not resulted in complete data  
10           being submitted to the Centers for Disease Control  
11           and Prevention.

12           (2) While the Centers for Disease Control and  
13           Prevention requests specific data points from each  
14           State and the District of Columbia, there is a great  
15           variety in the information collected and published by  
16           the States.

17           (3) In fact, there is not a single abortion data  
18           point publicly reported for all fifty States and the  
19           District of Columbia.

20           (4) Even more alarming, three States that to-  
21           gether account for 15 percent of the United States  
22           population of women of childbearing age do not re-  
23           port any abortion data to the Centers for Disease  
24           Control and Prevention.

1           (5) Accurate statistical data regarding abortion  
2           and those who survive abortion attempts is critical  
3           to public health and policy analysis.

4 **SEC. 3. MEDICAID PAYMENTS FOR CERTAIN FAMILY PLAN-**  
5 **NING SERVICES AND SUPPLIES CONTINGENT**  
6 **ON SUBMISSION OF ABORTION DATA TO CDC.**

7           Section 1903 of the Social Security Act (42 U.S.C.  
8 1396b) is amended—

9           (1) in subsection (a)(5), by inserting before “an  
10          amount equal to” the following: “subject to sub-  
11          section (bb),”; and

12          (2) by adding at the end the following new sub-  
13          section:

14          “(bb) ANNUAL REPORTS ON ABORTION DATA.—

15                 “(1) IN GENERAL.—Subject to paragraph (2),  
16          as a condition of receiving payment under subsection  
17          (a)(5) with respect to any amount expended during  
18          a year (beginning with the year following two years  
19          after the date of the enactment of this subsection)  
20          for family planning services and supplies described  
21          in section 1905(a)(4)(C) furnished to an individual  
22          described in section 1902(ii) or an individual whose  
23          medical assistance under this title is limited to such  
24          services and supplies furnished pursuant to a waiver  
25          granted under section 1115, each State shall, by not

1 later than December 31 of the previous year, submit  
2 to the abortion surveillance system of the Centers  
3 for Disease Control and Prevention, with respect to  
4 the year before the previous year, at least abortion  
5 data regarding the mandatory questions described in  
6 section 317U(a)(3)(A) of the Public Health Service  
7 Act.

8 “(2) LATE SUBMISSION OF REPORTS.—With re-  
9 spect to a year, in the case of a State that does not  
10 submit by December 31 of the previous year the  
11 abortion data required under paragraph (1) with re-  
12 spect to the year before the previous year but sub-  
13 mits such data by December 31 of the year, such  
14 State shall continue to receive payment, including  
15 retroactive payment, under subsection (a)(5) with  
16 respect to any amount expended during the year for  
17 family planning services and supplies described in  
18 section 1905(a)(4)(C) furnished to an individual de-  
19 scribed in such paragraph.

20 “(3) CERTIFICATION OF ABORTION DATA.—

21 “(A) IN GENERAL.—With respect to each  
22 submission of abortion data under this sub-  
23 section, a State shall certify to the Director of  
24 the Centers for Disease Control and Prevention  
25 that such data is accurate.

1           “(B) FALSE INFORMATION.—In the case  
2           that the Director of the Centers for Disease  
3           Control and Prevention determines that a State  
4           has knowingly provided false information with  
5           respect to a submission of abortion data under  
6           this subsection, such State may not receive pay-  
7           ment under subsection (a)(5) with respect to  
8           any amount expended during the first full fiscal  
9           year following such determination for family  
10          planning services and supplies described in sec-  
11          tion 1905(a)(4)(C) furnished to an individual  
12          described in paragraph (1).”.

13 **SEC. 4. COLLECTION OF ABORTION DATA BY CDC.**

14          The Public Health Service Act is amended by insert-  
15          ing after section 317T of such Act (42 U.S.C. 247b–22)  
16          the following:

17 **“SEC. 317U. ABORTION DATA.**

18          “(a) IN GENERAL.—The Secretary, acting through  
19          the Director of the Centers for Disease Control and Pre-  
20          vention (in this section referred to as the ‘Secretary’)—

21                  “(1) shall maintain a surveillance system to col-  
22          lect aggregate data in a standardized format on  
23          abortions in the United States;

1           “(2) shall, as part of such system, create a  
2           standard worksheet to collect data from States on  
3           abortions in the respective States;

4           “(3) in such worksheet—

5           “(A) shall, at a minimum, include ques-  
6           tions on the variables listed in subsection (b), to  
7           be treated as mandatory questions for purposes  
8           of section 1903(bb) of the Social Security Act;  
9           and

10           “(B) may include such additional questions  
11           on abortion as the Secretary determines to be  
12           appropriate, to be treated as voluntary ques-  
13           tions;

14           “(4) shall, as part of such system, allow for  
15           cross-tabulation of the variables listed in subsection  
16           (b), including cross-tabulation of maternal age by  
17           gestational age; race and ethnicity by gestational  
18           age; type of abortion procedure by gestational age;  
19           race and ethnicity by maternal age; and race and  
20           ethnicity by marital status; and

21           “(5) periodically update the questions in the  
22           worksheet under paragraph (2) and the classification  
23           of such questions as mandatory or voluntary under  
24           paragraph (3).

1 “(b) VARIABLES.—The variables listed in this sub-  
2 section are the following:

3 “(1) Maternal age in years.

4 “(2) Gestational age in completed weeks at the  
5 time of abortion.

6 “(3) Maternal race.

7 “(4) Maternal ethnicity.

8 “(5) Maternal race by ethnicity.

9 “(6) The abortion method type.

10 “(7) Maternal marital status.

11 “(8) Previous pregnancies of the mother, in-  
12 cluding the number of previous live births, the num-  
13 ber of previous induced abortions, and the number  
14 of previous spontaneous abortions.

15 “(9) Maternal residence (State or county).

16 “(10) Whether the child survived the abortion.

17 “(c) TECHNICAL ASSISTANCE.—The Secretary shall  
18 provide technical assistance to States to facilitate and im-  
19 prove the reporting of data to the system under subsection  
20 (a).

21 “(d) ANNUAL REPORTING.—The Secretary shall—

22 “(1) include, for each calendar year, the data  
23 collected pursuant to this section in a report on  
24 abortion; and

1           “(2) publish such report not later than Decem-  
2           ber 30 of the third calendar year following the cal-  
3           endar year covered by the report.

4           “(e) DEFINITIONS.—In this section, the term ‘State’  
5           refers to the several States, the District of Columbia, and  
6           any territory of the United States.”.

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