

116TH CONGRESS
1ST SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Ms. ERNST (for herself, Mr. COTTON, Mr. DAINES, Mr. LANKFORD, Mr. BRAUN, Mr. HAWLEY, Mr. CRAMER, Mrs. BLACKBURN, Mr. SASSE, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on _____

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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Reporting abortion data has been voluntary
2 in the past, which has not resulted in complete data
3 being submitted to the Centers for Disease Control
4 and Prevention.

5 (2) While the Centers for Disease Control and
6 Prevention requests specific data points from each
7 State and the District of Columbia, there is a great
8 variety in the information collected and published by
9 the States.

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

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

18 (5) Accurate statistical data regarding abortion
19 and those who survive abortion attempts is critical
20 to public health and policy analysis.

21 **SEC. 3. MEDICAID PAYMENTS FOR CERTAIN FAMILY PLAN-**
22 **NING SERVICES AND SUPPLIES CONTINGENT**
23 **ON SUBMISSION OF ABORTION DATA TO CDC.**

24 Section 1903 of the Social Security Act (42 U.S.C.
25 1396b) is amended—

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

4 (2) by adding at the end the following new sub-
5 section:

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

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 as a condition of receiving payment under subsection
9 (a)(5) with respect to any amount expended during
10 a year (beginning with the year following two years
11 after the date of the enactment of this subsection)
12 for family planning services and supplies described
13 in section 1905(a)(4)(C) furnished to an individual
14 described in section 1902(ii) or an individual whose
15 medical assistance under this title is limited to such
16 services and supplies furnished pursuant to a waiver
17 granted under section 1115, each State shall, by not
18 later than December 31 of the previous year, submit
19 to the abortion surveillance system of the Centers
20 for Disease Control and Prevention, with respect to
21 the year before the previous year, at least abortion
22 data regarding the mandatory questions described in
23 section 317U(a)(3)(A) of the Public Health Service
24 Act.

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

13 “(3) CERTIFICATION OF ABORTION DATA.—

14 “(A) IN GENERAL.—With respect to each
15 submission of abortion data under this sub-
16 section, a State shall certify to the Director of
17 the Centers for Disease Control and Prevention
18 that such data is accurate.

19 “(B) FALSE INFORMATION.—In the case
20 that the Director of the Centers for Disease
21 Control and Prevention determines that a State
22 has knowingly provided false information with
23 respect to a submission of abortion data under
24 this subsection, such State may not receive pay-
25 ment under subsection (a)(5) with respect to

1 any amount expended during the first full fiscal
2 year following such determination for family
3 planning services and supplies described in sec-
4 tion 1905(a)(4)(C) furnished to an individual
5 described in paragraph (1).”.

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

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

10 **“SEC. 317U. ABORTION DATA.**

11 “(a) IN GENERAL.—The Secretary, acting through
12 the Director of the Centers for Disease Control and Pre-
13 vention shall—

14 “(1) maintain a surveillance system to collect
15 aggregate data in a standardized format on abor-
16 tions in the United States;

17 “(2) as part of such system, create a standard
18 worksheet to collect data from States on abortions in
19 the respective States, which—

20 “(A) shall, at a minimum, include ques-
21 tions on the variables listed in subsection (b), to
22 be treated as mandatory questions for purposes
23 of section 1903(bb) of the Social Security Act;
24 and

1 “(B) may include such additional questions
2 on abortion as the Secretary determines to be
3 appropriate, to be treated as voluntary ques-
4 tions; and

5 “(3) as part of such system, allow for cross-tab-
6 ulation of the variables listed in subsection (b), in-
7 cluding cross-tabulation of maternal age by gesta-
8 tional age; race and ethnicity by gestational age;
9 type of abortion procedure by gestational age; race
10 and ethnicity by maternal age; and race and eth-
11 nicity by marital status; and

12 “(4) periodically update the questions in the
13 worksheet under paragraph (2), including the classi-
14 fication of such questions as mandatory or vol-
15 untary.

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

18 “(1) Maternal age in years.

19 “(2) Gestational age in completed weeks at the
20 time of abortion.

21 “(3) Maternal race.

22 “(4) Maternal ethnicity.

23 “(5) Maternal race by ethnicity.

24 “(6) The abortion method type.

25 “(7) Maternal marital status.

1 “(8) Previous pregnancies of the mother, in-
2 cluding the number of previous live births, the num-
3 ber of previous induced abortions, and the number
4 of previous spontaneous abortions.

5 “(9) Maternal residence (limited to county and
6 State).

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

8 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
9 provide technical assistance to States to facilitate and im-
10 prove the reporting of data to the system under subsection
11 (a).

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

13 “(1) issue an annual report on abortion, which
14 shall include the data collected pursuant to this sec-
15 tion; and

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