

117TH CONGRESS
2D SESSION

S. 3500

To amend title XIX of the Social Security Act and the 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

JANUARY 13 (legislative day, JANUARY 10), 2022

Ms. ERNST (for herself, Mr. DAINES, Mr. COTTON, Mr. BRAUN, Mr. CRAMER, Mrs. BLACKBURN, Mr. SASSE, Mr. BOOZMAN, Mr. MARSHALL, Mr. THUNE, Mr. HAWLEY, Mr. SCOTT of Florida, Mr. HAGERTY, Mr. INHOFE, Mr. HOEVEN, Mr. LANKFORD, Mrs. HYDE-SMITH, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act and the 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 2022”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

12 (3) In fact, there is not a single abortion data
13 point publicly reported for all 50 States and the Dis-
14 trict of Columbia.

15 (4) Even more alarming, 3 States that together
16 account for 15 percent of the United States popu-
17 lation of women of childbearing age do not report
18 any abortion data to the Centers for Disease Control
19 and Prevention.

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

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

4 Section 1903 of the Social Security Act (42 U.S.C.
5 1396b) is amended—

6 (1) in subsection (a)(5), by inserting before “an
7 amount equal to” the following: “subject to sub-
8 section (cc),”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(cc) ANNUAL REPORTS ON ABORTION DATA.—

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

1 data regarding the mandatory questions described in
2 section 317V(a)(3)(A) of the Public Health Service
3 Act.

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

16 “(3) CERTIFICATION OF ABORTION DATA.—

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

22 “(B) FALSE INFORMATION.—In the case
23 that the Director of the Centers for Disease
24 Control and Prevention determines that a State
25 has knowingly provided false information with

1 respect to a submission of abortion data under
2 this subsection, such State may not receive pay-
3 ment under subsection (a)(5) with respect to
4 any amount expended during the first full fiscal
5 year following such determination for family
6 planning services and supplies described in sec-
7 tion 1905(a)(4)(C) furnished to an individual
8 described in paragraph (1).”.

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

10 The Public Health Service Act is amended by insert-
11 ing after section 317U of such Act (42 U.S.C. 247b–23)
12 the following:

13 **“SEC. 317V. ABORTION DATA.**

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

17 “(1) maintain a surveillance system to collect
18 aggregate data in a standardized format on abor-
19 tions in the United States;

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

23 “(A) shall, at a minimum, include ques-
24 tions on the variables listed in subsection (b), to
25 be treated as mandatory questions for purposes

1 of section 1903(bb) of the Social Security Act;
2 and

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

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

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

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

20 “(1) Maternal age in years.

21 “(2) Gestational age in completed weeks at the
22 time of abortion.

23 “(3) Maternal race.

24 “(4) Maternal ethnicity.

25 “(5) Maternal race by ethnicity.

1 “(6) The abortion method type.

2 “(7) Maternal marital status.

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

7 “(9) Maternal residence (limited to county and
8 State).

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

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

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

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

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

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