

117TH CONGRESS
1ST SESSION

H. R. 343

To require States to report information on Medicaid payments to abortion providers.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2021

Mr. BANKS (for himself, Mr. MOONEY, Mr. WESTERMAN, Mr. GROTHMAN, Mr. LAMBORN, Mr. BUDD, Mr. ALLEN, and Mr. NORMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require States to report information on Medicaid payments to abortion providers.

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 “Taxpayer Conscience
5 Protection Act of 2021”.

6 **SEC. 2. REQUIRED REPORTING OF MEDICAID PAYMENTS**
7 **TO ABORTION PROVIDERS.**

8 (a) IN GENERAL.—Not later than 60 days after the
9 end of the first fiscal year ending after the date of the

1 enactment of this Act and each fiscal year thereafter, each
2 State that makes a Medicaid payment from Federal funds
3 during the fiscal year for any items or services furnished
4 by an abortion provider shall—

5 (1) submit to the Secretary a report on all such
6 payments; and

7 (2) publish the report on a public internet
8 website of the State.

9 (b) REPORT DESCRIBED.—The report under sub-
10 section (a) shall, with respect to a State that makes a
11 Medicaid payment from Federal funds during the fiscal
12 year for any items or services furnished by an abortion
13 provider, include the following:

14 (1) With respect to each such payment, each of
15 the following:

16 (A) A specification of the amount of the
17 payment.

18 (B) A specification of the purposes for
19 which the payment was made.

20 (C) A comparison of the amount of the
21 payment with the amount of any such payment
22 to the provider involved in any prior fiscal year.

23 (2) A specification of the number of abortions
24 performed during the fiscal year by the provider in-

1 volved and the gestational age with respect to each
2 such abortion.

3 (c) REPORT TO CONGRESS.—Not later than 90 days
4 after the end of each fiscal year described in subsection
5 (a), the Secretary shall submit to the Committee on En-
6 ergy and Commerce of the House of Representatives and
7 to the Committee on Finance of the Senate, and publish
8 on a public internet website of the Department of Health
9 and Human Services, a report that—

10 (1) contains the reports submitted pursuant to
11 subsection (a) for the fiscal year; and

12 (2) includes a summary of the reports.

13 (d) DEFINITIONS.—In this section:

14 (1) ABORTION PROVIDER.—The term “abortion
15 provider” means an entity that—

16 (A) performs (or refers an individual for)
17 an abortion; or

18 (B) controls, is controlled by, or is under
19 common control with, an entity described in
20 subparagraph (A).

21 (2) MEDICAID PAYMENT FROM FEDERAL
22 FUNDS.—The term “Medicaid payment from Fed-
23 eral funds” means a payment for which there is
24 Federal financial participation under title XIX of
25 the Social Security Act.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 (4) STATE.—The term “State” has the mean-
4 ing given the term for purposes of title XIX of the
5 Social Security Act.

6 (e) CONFORMING AMENDMENTS TO SOCIAL SECU-
7 RITY ACT.—Section 1902(a) of the Social Security Act
8 (42 U.S.C. 1396a(a)) is amended—

9 (1) by striking “and” at the end of paragraph
10 (85);

11 (2) by striking the period at the end of para-
12 graph (86) and inserting “; and”; and

13 (3) by inserting after paragraph (86) the fol-
14 lowing:

15 “(87) provide for the submission of reports in
16 accordance with section 2 of the Taxpayer Con-
17 science Protection Act of 2021.”.

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