

118TH CONGRESS
2D SESSION

H. R. 7161

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2024

Mr. BANKS (for himself, Mr. ADERHOLT, Mr. MOONEY, Mr. WOMACK, Mr. BURCHETT, Mrs. MILLER of Illinois, Mr. MOORE of Alabama, and Mr. CARL) 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 “Abortion Funding
5 Awareness Act of 2024”.

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 enact-

1 ment 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 (3) A specification of the method of abortion
4 used.

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

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

14 (2) includes a summary of the reports.

15 (d) DEFINITIONS.—In this section:

16 (1) ABORTION.—The term “abortion” means
17 the use or prescription of any instrument, medicine,
18 drug, or any other substance or device—

19 (A) to intentionally kill the unborn child of
20 a woman known to be pregnant; or

21 (B) to intentionally terminate the preg-
22 nancy of a woman known to be pregnant, with
23 an intention other than—

1 (i) after viability, to produce a live
2 birth and preserve the life and health of
3 the child born alive; or

4 (ii) to remove a dead unborn child.

5 (2) ABORTION PROVIDER.—The term “abortion
6 provider” means an entity that—

7 (A) performs (or refers an individual for)
8 an abortion; or

9 (B) controls, is controlled by, or is under
10 common control with, an entity described in
11 subparagraph (A).

12 (3) MEDICAID PAYMENT FROM FEDERAL
13 FUNDS.—The term “Medicaid payment from Fed-
14 eral funds” means a payment for which there is
15 Federal financial participation under title XIX of
16 the Social Security Act.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Health and Human Services.

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

22 (e) CONFORMING AMENDMENTS TO SOCIAL SECUR-
23 RITY ACT.—Section 1902(a) of the Social Security Act
24 (42 U.S.C. 1396a(a)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (86);

3 (2) by striking the period at the end of para-
4 graph (87) and inserting “; and”; and

5 (3) by inserting after paragraph (87) the fol-
6 lowing:

7 “(88) provide for the submission of reports in
8 accordance with section 2 of the Abortion Funding
9 Awareness Act of 2024.”.

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