

117TH CONGRESS  
1ST SESSION

# H. R. 343

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

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## 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

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## 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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