

## **REQUIRE ACCURATE NATIONAL ABORTION DATA**

Often-cited abortion data compiled by the Centers for Disease Control and Prevention (CDC) may be misleading, underreported, or incomplete. This leaves Congress and the public with inaccurate information about the current state of abortions in America.

### **BACKGROUND**

In recent years, states have enacted a wide array of new abortion laws.<sup>1</sup> CDC abortion data, which is often featured in press articles and used to justify the passage of such laws, may be misleading, underreported, or incomplete.

Currently, the CDC produces an annual Abortion Surveillance report comprised of abortion data requested from 52 “reporting areas,” which include all 50 states, the District of Columbia, and New York City.<sup>2</sup> According to the report, nine states and the District of Columbia have no absolute gestational age limit when abortions may be performed prior to birth.<sup>3</sup>

However, the figures featured in this report do not provide a full account of abortions in America. Currently, federal law does not require state data standardization or reporting to the Federal Government. As a result, some of the data, which could materially alter statistical information, is absent. For example, the CDC’s 2015 report states that about 1.3 percent of abortions occurred at or after 21 weeks of gestation.<sup>4</sup> This figure is regularly featured in news articles and media reports as a representation of late-term abortions nationwide.<sup>5,6,7</sup>

Those reports are misleading because the CDC report includes data from only 39 states and New York City.<sup>8</sup> At least 12 states, including the District of Columbia, either did not report statewide gestational age figures or did not meet reporting standards.<sup>9</sup> The CDC has largely attributed this gap in data to the existing system of voluntary disclosure by each individual state through “their independent surveillance systems.”<sup>10</sup>

According to the CDC, because the “collection and reporting of abortion data are not federally mandated,” many states have developed their own data collection forms, and “therefore do not collect or provide all of the information or level of detail” included in the CDC’s report.<sup>11</sup>

### **CONSTITUTIONAL AUTHORITY AND REPUBLICAN PRINCIPLES**

Congress has the authority to address these data inadequacies as a matter of interstate commerce<sup>12</sup> since many patients cross state lines for abortion procedures.<sup>13</sup> Congress also has the authority to condition federal appropriations on the receipt of information from the states.

### **Quick Take**

Currently, federal law does not require state abortion data standardization or reporting to the Federal Government.

At least 12 states, including the District of Columbia, either did not report statewide gestational age figures or did not meet reporting standards.

As a matter of principle, human life is worth protecting even in its earliest stages. Congress must base policy decisions on sound information and complete data.

## **POLICY SOLUTIONS**

Congress should pass legislation requiring state disclosure of abortion data—including information related to the gestational age of aborted fetuses and the number of children who survive an attempted abortion—in a standardized, machine-readable format as a condition of receiving certain federal awards.

H.R. 3580, the Ensuring Accurate and Complete Abortion Data Reporting Act of 2019,<sup>14</sup> would accomplish these objectives.

**Please contact Cameron Smith or Kelsey Wall with the Republican Policy Committee at (202) 225-4921 with any questions.**

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<sup>1</sup> Anna North, *While some states try to ban abortion, these states are expanding access*, Vox, June 12, 2019, <https://www.vox.com/identities/2019/6/12/18662738/abortion-bill-illinois-maine-laws-new-york>.

<sup>2</sup> Tara C. Jatlaoui, Maegan E. Boutot, Michele G. Mandel, Maura K. Whiteman, Angeline Ti, Emily Petersen, and Karen Pazol, *Abortion Surveillance – United States, 2015*, Morbidity and Mortality Weekly Report, Surveillance Summaries, Nov. 23, 2018, <https://www.cdc.gov/mmwr/volumes/67/ss/ss6713a1.htm>.

<sup>3</sup> Nine states allow abortions in the third trimester under several exceptions: Alaska, Colorado, Illinois, New Hampshire, New Jersey, New Mexico, New York, Oregon and Vermont.

<sup>4</sup> See *supra*, note 2, at Table 7.

<sup>5</sup> Jen Gunter, *Dear Donald Trump: I'm an OB-GYN. There are no 9-month abortions*, Vox, Oct. 21, 2016, <https://www.vox.com/first-person/2016/10/21/13352872/donald-trump-abortion-wrong>.

<sup>6</sup> Vivian Wang, *Trump, Pence Lead G.O.P. Seizure of Late-Term Abortion as a Potent 2020 Issue*, New York Times, Jan. 31, 2019, <https://www.nytimes.com/2019/01/31/nyregion/late-term-abortion-pence-trump-republicans.html>.

<sup>7</sup> Kim Painter, *Ripped from the womb? Late-term abortion explained*, USA Today, Oct. 21, 2016, <https://www.usatoday.com/story/news/2016/10/21/doctors-trump-wrong-late-abortions/92515324/>.

<sup>8</sup> Jatlaoui, Boutot, Mandel, Whiteman, Ti, Petersen, and Pazol, *supra*, note 2.

<sup>9</sup> The 12 states, including the District of Columbia, are California, Connecticut, District of Columbia, Florida, Illinois, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Wisconsin and Wyoming.

<sup>10</sup> Jatlaoui, Boutot, Mandel, Whiteman, Ti, Petersen, and Pazol, *supra*, note 2.

<sup>11</sup> *Id.*

<sup>12</sup> U.S. Const. art. I, § 8, cl. 3.

<sup>13</sup> Henry J. Kaiser Family Foundation, *Percentage of Legal Abortions Obtained by Out-of-State Residents*, <https://www.kff.org/womens-health-policy/state-indicator/abortions-by-out-of-state-residents/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D> (last visited Jun. 18, 2019).

<sup>14</sup> H.R. 3580, 116th Cong. (2019).