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May 11, 2015

RE: Pain-Capable Unborn Child Protection Act (H.R. 36)

Dear Member of Congress:

The National Right to Life Committee (NRLC), the nationwide federation of state right-to-life organizations, urges you to support the Pain-Capable Unborn Child Protection Act (H.R. 36) when it comes before the House of Representatives on Wednesday, May 13, and **will include the roll call on passage of the bill in our scorecard of key pro-life votes of the 114th Congress.**

H.R. 36 was originally scheduled to come to the floor on January 22. Consideration was delayed when some Members raised concerns regarding their interpretations of certain provisions of the legislation. We disagreed with the objections voiced by those Members. The subsequent process of discussion produced a substitute bill, the Franks Substitute Amendment, which includes substantial refinements of the disputed provisions, as well as improvements that afford further recognition to the humanity of those unborn human beings who are within the scope of the bill's coverage – unborn children who are at least 20 weeks beyond fertilization (equivalent to 22 weeks of pregnancy -- about the start of the sixth month).

There is abundant evidence – summarized in the findings of the bill – that by this point in development (and probably earlier), the unborn child has the capacity to experience excruciating pain during typical abortion procedures. On this basis, the bill prohibits abortion after that point, except when an acute physical condition endangers the life of the mother, or in cases of rape, or cases of incest against a minor. The revised bill spells out the procedural requirements that abortionists must follow when performing an abortion under these exceptions, including seeking to preserve the life of the child whenever this is feasible.

It is now commonplace to read about evidence that, by 20 weeks fetal age and even earlier, an unborn child responds to many forms of stimuli, including music and the mother's voice. Claims that the same child is nevertheless insensible to the violence done to her body during an abortion should engender strong skepticism. Abortions at this stage

NATIONAL RIGHT TO LIFE, PAIN-CAPABLE BAN, PAGE 2

typically are performed using a variety of techniques, including a method in which the unborn child's arms and legs are twisted off by brute manual force, using a long stainless steel clamping tool. A medical illustration of this common method is posted here:

<https://www.nrlc.org/abortion/pba/deabortiongraphic/>

Some of the extensive scientific evidence that unborn children have the capacity to experience pain, at least by 20 weeks, is available at these URLs:

<https://www.nrlc.org/abortion/fetalpain/>

<http://www.doctorsonfetalpain.com>

<http://www.nrlc.org/uploads/fetalpain/AnandPainReport.pdf>

Late abortions are not "rare." At least 275 facilities offer abortions past 20 weeks fetal age.

In a nationwide poll of 1,623 registered voters in November 2014, The Quinnipiac University Poll found that 60% would support a law such as the Pain-Capable Unborn Child Protection Act prohibiting abortion after 20 weeks, while only 33% opposed such legislation. Women voters split 59-35% in support of such a law, while independent voters supported it by 56-36%.

Should you have any questions, please contact us at 202-626-8820, or via e-mail at federallegislation@nrlc.org. Thank you for your consideration of NRLC's position on this vital legislation.

Respectfully,



Carol Tobias
President



David N. O'Steen, Ph.D.
Executive Director



Douglas D. Johnson
Legislative Director



Susan T. Muskett, J.D.
Senior Legislative Counsel