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July 24, 2019

TO: State Affiliates and Chapters  
FROM: Carol Tobias, NRLC President  
RE: Activity regarding the Born-Alive Abortion Survivors Protection Act and related discharge petition

As you know, the Born-Alive Abortion Survivors Protection Act (H.R. 962) has been introduced in the US House of Representatives. Every day the House has been in session, pro-life members of the House have taken to the floor, seeking “unanimous consent” to take up the bill, to no avail.

In April, a discharge petition was also presented. If a majority of House members add their names to the petition, the bill will bypass committees run by pro-abortion Democrats and be brought to the floor for a vote. To date, every Republican and three Democrats have signed the petition. The discharge petition currently needs 17 more signatures.

**We are asking for your help during the August congressional recess to highlight this bill and bring attention to where Representatives from your state stand.**

To send a message to House Members to sign the discharge petition, use this [Born-Alive Abortion Survivors Protection Act](#) link.

The official congressional list of members who have signed the petition shows the order in which members signed. Heritage Action has a [discharge petition tracker](#) listing names in alphabetical order. You may use this link for ease in finding a Representative’s name.

In this email “packet,” you will find:

- \* a collection of common excuses from members of Congress as to why they have not signed the discharge petition and how to answer those excuses (When They Say, You Say);
- \* a flyer that can be copied and distributed, or circulated digitally;
- \* a sample letter to the editor and op-ed to encourage support for the legislation;
- \* a list of members of Congress who, based on the district they represent, should be signers on the petition.

If your state/ chapter has a member of Congress who has signed the petition, try to find ways (townhall meetings, radio call-in shows, etc.) to publicly thank him/her for signing the petition. This acknowledges that you are aware of the Representative's pro-life actions and appreciate them. It also gives your Representative an opportunity to talk about babies who survive abortion and question why anyone would NOT sign the petition.

If your state/ chapter has a member of Congress who has NOT signed the petition, find ways (townhall meetings, radio call-in shows, etc.) to ask why he/she has not signed. We know there are babies who survive an abortion; do they not want to protect those babies?

In a few districts, we will organize press conferences to try to focus media attention on the fact that certain members of Congress have not signed the petition. NRLC Communications Director Laura Echevarria will be in touch with state affiliates and chapters in these districts to discuss this activity.

If your state or chapter is going to have a booth at a state or county fair during August, we certainly hope that you will make the attached flyer available for fair-goers so they know how to find out whether or not their Representative has signed.

NRLC has been posting memes on Facebook and Twitter to draw attention to these requests for a vote, and will be doing so during the August recess. Please share those memes with your followers as well.

We know how extreme and radical our opponents are, wanting abortion with no limits for all nine months of pregnancy and wanting tax dollars to pay for abortion. We must make the American public understand that this lack of protection for unborn children extends to babies who survive abortion.

Please use every opportunity available, during this summer break, to make sure that your members of Congress know their constituents want another signature on the discharge petition and a Yes vote on the bill.

Thank you for all you do for the most helpless and vulnerable among us. As always, if you have questions, let us know.

**Born Alive Abortion Survivors Protection Act (S. 130/H.R. 962)  
When They Say, You Say**

**They Say:**

Abortions that occur after the 21 week gestation period are incredibly rare.

**You Say:**

Abortions late in pregnancy are not rare. According to the most recent data for 2014 from the Guttmacher Institute (originally founded as a special research arm of Planned Parenthood), 1.3% of the estimated 926,000 elective abortions performed annually in the United States are on unborn children at 21 weeks gestation or older.

These findings are generally corroborated by the U.S. Centers for Disease Control & Prevention (CDC) Abortion Surveillance Report for 2015 which reported that in most states, 1.3% of abortions were performed at 21 weeks gestation or later. (Three states – California, Maryland, and New Hampshire – did not submit any data and several other states did not give an age breakdown and could not be included.)

Based on the data from Guttmacher and the CDC, at least 8,000 – and more likely as many as 12,000 – unborn children are killed late in pregnancy every year.

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**They Say:**

This is a made-up problem, that babies are not really born-alive during abortions.

**You Say:**

Even with incomplete information, we know that there are numerous instances of babies born alive.

The CDC estimates that between 2003 and 2014, at least 143 babies died after being born alive during abortions. The number is likely far higher due to the fact that the CDC relies on state health departments which vary in their thoroughness, and California, the nation's most populous state, and Maryland and New Hampshire have not reported figures to the CDC since 1998.

Only 5 states independently report cases of infants born alive (Arizona, Florida, Michigan, Minnesota, and Oklahoma), and even in that small sample, at least 25 children were born alive during attempted abortions in 2017.

Abortion survivor Melissa Ohden, survivor of a failed 1977 saline infusion abortion, has testified before numerous House committees. According to her organization, "The Abortion Survivors Network," they have, from 2012-2018, "...had contact with 260 survivors of abortion or their friends or family who contacted us on their behalf. We know this is just the tip of the iceberg when it comes to survivors—many don't ever share their stories with anyone, and, in fact, many probably don't even know about their survival, as it's kept a secret."

**They Say:**

This bill would make it more difficult for doctors to use their best medical judgment when recommending to mothers whether or not to undergo an abortion if there are complications.

**You Say:**

According to the American Association of Pro-Life Obstetricians & Gynecologists, “With any serious maternal health problem, termination of pregnancy can be accomplished by inducing labor or performing a cesarean section, saving both mother and baby.”

Simply put, delivering the baby is the modern and medically sound approach if there are health complications with the mother in late pregnancy. Additionally, at this late stage, most late abortion methods require a much lengthier and more complicated process than inducing birth – with the abortion process taking as many as three to four days.

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**They Say:**

This bill is redundant as it is already part of a 2002 law, the Born-Alive Infant Protection Act.

**You Say:**

Under the Born-Alive Infants Protection Act enacted in 2002, humans who are born alive, whether before or after “viability,” are recognized as full legal persons for all federal law purposes.

However, in the years since the 2002 law was enacted, evidences have multiplied that some abortion providers do not regard babies born alive during abortions as persons, and do not provide them with the types of care that would be provided to premature infants who are born spontaneously.

Much stronger federal protection would be provided by the Born-Alive Abortion Survivors Protection Act. This legislation would enact an explicit requirement that a baby born alive during an abortion must be afforded “the same degree” of care that would apply “to any other child born alive at the same gestational age,” including transportation to a hospital, and applies the existing penalties of the federal murder statute to anyone who performs “an overt act that kills a child born alive.”

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**They Say:**

Women’s reproductive rights means empowering all women to have agency over their bodies and decisions.

**You Say:**

This is no longer a case of a woman's right to decide whether or not to have an abortion. This legislation deals with a baby who has already been born. Further, this legislation only applies to an abortionist or a person who performs an overt act that kills a child born alive or fails to provide required treatment.



ENOUGH IS ENOUGH

# ABORTION SURVIVORS NEED OUR HELP

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The Born-Alive Abortion Survivors Protection Act will protect a baby born alive after an abortion procedure. Though the goal of an abortion is a dead baby, there are survivors of abortions living and working among us today. Many of these survivors were saved because someone stepped in instead of walking away and letting the baby die.

Pro-Abortion Democrats in the U.S. House have blocked consideration for the Born-Alive Abortion Survivors Protection Act 75 times, as of July 24, 2019.

**IN ORDER TO FORCE A VOTE ON THIS LIFE-  
SAVING BILL, 218 SIGNATURES ARE NEEDED  
ON THE DISCHARGE PETITION FILED BY  
REPRESENTATIVE STEVE SCALISE.**

All Republicans and 3 Democrats have signed the petition, for a total of 201 signatures so far. We need 17 more. Can you help us?



## WHERE DOES YOUR REPRESENTATIVE STAND?

**75 TIMES NOW, ALL UNANIMOUS CONSENT REQUESTS FOR CONSIDERATION HAVE BEEN DENIED.**

Some members of Congress want to make this about abortion. It's not. It's about **infanticide**. Something our society has always shunned as barbaric. Tell your Representative that we do not support the horror of infanticide and that she or he needs to support this humane and necessary legislation.

To contact your Representative or to see if she or he have signed the petition, go here:

<http://cqcengage.com/nrlc/app/onestep-write-a-letter?1&engagementId=498260>

If anyone claims that infants born alive after a failed abortion procedure are a "made up problem," tell them about abortion survivor Melissa Ohden. She survived a failed 1977 saline infusion abortion and has testified before numerous House committees. According to her organization, "The Abortion Survivors Network," they have, from 2012-2018, "...had contact with 260 survivors of abortion or their friends or family who contacted us on their behalf."

Thomas Jefferson once said, "The care of human life and happiness, and not their destruction, is the first and only object of good government." Our congressmen and women need to work to preserve the lives of these precious little ones. Ignoring the reality of a live birth following an abortion ignores our own humanity. Act today.



**Pictured Above (top to bottom):**

Rep. Ann Wagner (R-MO)  
Rep. Dusty Johnson (R-SD)  
Rep. Virginia Foxx (R-NC)



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*Sample letter to the editor*

Congress has introduced the Born-Alive Abortion Survivors Protection Act with the intention of protecting a baby born alive after an abortion procedure. Though the goal of an abortion is a dead baby, there are survivors of abortions living and working among us today. Many of these survivors were saved because someone stepped in to help when instead they were supposed to walk away and let the baby die.

Congressman \_\_\_\_\_ has refused to sign on to this reasonable legislation. The bill does not interfere with an abortion. It only applies when a baby, born alive after an abortion, is a living human being *separate* from his or her mother. The bill requires that doctors and abortion facilities provide reasonable care and treat the newborn baby like any other newborn requiring care and medical intervention.

Some members of Congress want to make this about abortion. It's not. It's about infanticide. Something our society has always shunned as barbaric. Tell Congressman \_\_\_\_\_ that we do not support the horror of infanticide and that he needs to support this humane and necessary legislation.

*Sample op-ed piece for local newspaper*

Congress has introduced the Born-Alive Abortion Survivors Protection Act which was written to protect babies born alive after an abortion procedure. While the goal of an abortion is a dead baby, sometimes the abortion fails and a complication occurs: a live birth.

Congressman/woman \_\_\_\_\_ opposes this reasonable legislation.

While federal law does recognize that a baby born alive following an abortion is a person under the law, there are no requirements to provide care for the baby following a failed abortion. H.R. 962, the Born-Alive Abortion Survivors Act, would require that the live baby born after an abortion be treated as a patient and given the same care that would be given to an infant of the same gestational age who was born not following an abortion.

This legislation would also allow a mother to sue the abortionist if he, or she, fails to provide care for the newborn and harm results from a violation of the law. The mother is not penalized for any reason.

Those opposed to the bill argue that live births are very rare or that they never occur, but this is false.

Between 2003 and 2014, the CDC reports 588 infant deaths described as, “termination of pregnancy affecting fetus and newborn” with 143 deaths clearly resulting from a live birth following an abortion. Since 2000, over 1000 infants have been born alive following failed abortions in Canada. In Australia, between 2005 and 2015, there were 204 live births following abortions. Despite assertions otherwise, reporting data shows that live births do occur and the CDC recognizes that here in the U.S., the number of live births following an abortion is probably higher than what is reported.

If we fail to provide care and prevent the deaths of children who are born following a failed abortion, we are devolving into a barbarianism not often seen in the modern era. Congress has the ability to prevent this horrible wrong from happening but a vast majority of congressmen and women who favor abortion-on-demand refuse to fight for the living child who is fully born following an attempted abortion.

This is an implicit endorsement of the cruel practice of infanticide.

Regardless of how a child comes into the world, he or she is a living person, separate from his or her mother. The child is no longer a fetus but a neonate—a newborn child.

Thomas Jefferson once said, “The care of human life and happiness, and not their destruction, is the first and only object of good government.” Our congressmen and women need to work to preserve the lives of these precious little ones. Ignoring the reality of a live birth following an abortion ignores our own humanity.

The lack of empathy and care for the youngest and weakest among us diminishes us all.

**Ask your Congressman to care for babies born alive after abortion.**

District	Incumbent	116th Record	Trump 2016 %	District	Incumbent	116th Record	Trump 2016 %
AZ 1	Rep. Tom O'Halleran (D)	0%	48%	MN 3	Rep. Dean Phillips (D)	0%	41%
AZ 2	Rep. Ann Kirkpatrick (D)	0%	45%	NV 3	Rep. Susie Lee (D)	0%	48%
AZ 9	Rep. Greg Stanton (D)	0%	38%	NV 4	Rep. Steven Horsford (D)	0%	45%
CA 10	Rep. Josh Harder (D)	0%	46%	NH 1	Rep. Chris Pappas (D)	0%	48%
CA 21	Rep. TJ Cox (D)	0%	40%	NH 2	Rep. Ann McLane Kuster (D)	0%	46%
CA 25	Rep. Katie Hill (D)	0%	44%	NJ 2	Rep. Jeff Van Drew (D)	0%	51%
CA 39	Rep. Gil Cisneros (D)	0%	43%	NJ 3	Rep. Andy Kim (D)	0%	48%
CA 45	Rep. Katie Porter (D)	0%	44%	NJ 5	Rep. Josh Gottheimer (D)	0%	51%
CA 48	Rep. Harley Rouda (D)	0%	46%	NJ 7	Rep. Tom Malinowski (D)	0%	48%
CA 49	Rep. Mike Levin (D)	0%	43%	NJ 11	Rep. Mikie Sherrill (D)	0%	49%
CO 6	Rep. Jason Crow (D)	0%	41%	NM 2	Rep. Xochitl Torres Small (D)	0%	50%
CT 5	Rep. Jahana Hayes (D)	0%	46%	NY 11	Rep. Max Rose (D)	0%	54%
FL 7	Rep. Stephanie Murphy (D)	0%	44%	NY 18	Rep. Sean Maloney (D)	0%	49%
FL 26	Rep. Debbie Mucarsel-Powell (D)	0%	46%	NY 19	Rep. Antonio Delgado (D)	0%	51%
FL 27	Rep. Donna Shalala (D)	0%	39%	NY 22	Rep. Anthony Brindisi (D)	0%	55%
GA 6	Rep. Lucy McBath (D)	0%	48%	OK 5	Rep. Kendra Horn (D)	0%	53%
IL 6	Rep. Sean Casten (D)	0%	43%	PA 7	Rep. Susan Wild (D)	0%	
IL 14	Rep. Lauren Underwood (D)	0%	49%	PA 8	Rep. Matt Cartwright (D)	0%	
IL 17	Rep. Cheri Bustos (D)	0%	47%	PA 17	Rep. Conor Lamb (D)	0%	
IA 1	Rep. Abby Finkenauer (D)	0%	49%	SC 1	Rep. Joe Cunningham (D)	0%	54%
IA 3	Rep. Cindy Axne (D)	0%	49%	TX 7	Rep. Lizzie Fletcher (D)	0%	47%
KS 3	Rep. Sharice Davids (D)	0%	46%	TX 32	Rep. Colin Allred (D)	0%	47%
ME 2	Rep. Jared Golden (D)	0%	51%	VA 2	Rep. Elaine Luria (D)	0%	49%
MI 8	Rep. Elissa Slotkin (D)	0%	51%	VA 7	Rep. Abigail Spanberger (D)	0%	51%
MI 11	Rep. Haley Stevens (D)	0%	50%	VA 10	Rep. Jennifer Wexton (D)	0%	42%
MN 2	Rep. Angie Craig (D)	0%	47%	WA 8	Rep. Kim Schrier (D)	0%	45%