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## *House of Representatives*

### **Protect Pain Capable Unborn Children from the Violence of Abortion**

*Mr. SMITH of New Jersey.* Two years ago today, Pennsylvania abortion doctor Kermit Gosnell was convicted of murder, conspiracy to kill and involuntary manslaughter and sentenced to life imprisonment.

Even though the news of Gosnell's child slaughter was largely suppressed by the mainstream media, many of my colleagues may remember that Dr. Gosnell operated a large Philadelphia abortion clinic where women died and countless babies were dismembered or chemically destroyed often by having their spinal cords snipped—all gruesome procedures causing excruciating pain to the victim.

Today, the House considers landmark legislation authored by Trent Franks to protect unborn children beginning at the age of 20 weeks post fertilization from pain-filled abortions.

The Pain Capable Unborn Child Protection Act is needed now more than ever because there are Gosnells all over America, dismembering and decapitating pain-capable babies for profit:

- Men like Steven Brigham of New Jersey, an interstate abortion

operator—35 aborted babies were found in his freezer.

- Men like Leroy Carhart, caught on video tape joking about his abortion toolkit—complete with a “pickaxe” and “drill bit”—while describing a three day long late term abortion procedure and the infant victim as “putting meat in a crock pot.”
- Or like Deborah Edge who wrote in an op-ed that she “saw the abortionist puncture the soft spot in the baby’s head or snip his neck if it was delivered alive.”

Some euphemistically call this choice, but, a growing number of Americans rightly regard it as violence against children. And huge majorities—60% according to November 2014 Quinnipiac poll—want it stopped!

Fresh impetus for the bill came from a huge study of nearly 5,000 babies—preemies—published last week in the *New England Journal of Medicine*. The next day, a *New York Times* article titled: “Premature Babies May Survive at 22 Weeks if Treated” touted the *Journal*’s extraordinary findings of survival and hope. (Let me note that these

22 week old children referred to in the Times articles are the same age as the 20 week children that will be protected by this bill. The only difference is the method used to calculate age.)

Just imagine, Madame Speaker, preemies at 20 weeks are surviving as technology and medical science advance. And some like Alexis Hutchinson, featured in the New York Times story is today a healthy 5 year old who originally weighed in at a mere 1.1 pounds.

Thus the babies we seek to protect from harm today may survive if treated humanely, with expertise and compassion—not the cruelty of the abortion.

That is why, H.R. 36 requires that a late abortion permitted under limited circumstances provide the “best opportunity for the unborn child to survive” and that “a second physician trained in neonatal resuscitation” be “present and prepared to provide care to a child” consistent with the Born-Alive Infants Protection Act of 2002.

The Pain-Capable Unborn Child Protection Act recognizes the medical evidence that unborn children feel pain.

One leading expert in the field of fetal pain, Dr. Anand, at the University of Tennessee stated in his expert report, commissioned by the U.S. Department of Justice: “It is my opinion that the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that perceived by term newborns or older children.”

Surgeons today entering the womb to perform corrective procedures on unborn

children have seen those babies flinch, jerk, and recoil from sharp objects and incisions.

Surgeons routinely administer anesthesia to unborn children in the womb. We now know that the child ought to be treated as a patient, and there are many anomalies, many sicknesses that can be treated while the child is still in utero. When those interventions are done, anesthesia is given.

Dr. Colleen Malloy, assistant professor, Division of Neonatology at the Northwestern University, in her testimony before the House Judiciary Committee said: “When we speak of infants at 20 weeks post-fertilization we no longer have to rely on inferences or ultrasound imagery, because such premature patients are kicking, moving and reacting and developing right before our eyes in the neonatal intensive care unit.”

Dr. Malloy went on to say, “in today’s medical arena, we resuscitate patients at this age and are able to witness their ex-utero growth.” She says “I could never imagine subjecting my tiny patients to horrific procedures such as those that involve limb detachment or cardiac injection”

Other provisions in H.R. 36 include:

- An **Informed Consent Form** including the age of the child; a description of the law; an explanation that if the baby is born-alive, he or she will be given medical assistance and transported to a hospital; and information about the woman’s right to sue if these protections are not followed. Women deserve this information.
- The woman is empowered with a **Civil Right of Action**, so she may

sue abortion providers who fail to comply with the law. Parents are also given a civil right of action if the law is not followed with regard to their minor daughter.

- **In the case of a minor** who is pregnant as a result of rape or incest and is having an abortion at 20 weeks or later, the abortion provider must notify either social services, or law enforcement to ensure the safety of the child and stop any ongoing abuse.
- **In the case of an adult** who is pregnant as a result of a sexual assault and is having an abortion at 20 weeks or later, the provider must ensure that she has received medical treatment or counseling at least 48 hours prior to the abortion.

- **Compliance with State Laws** including parental involvement requirements, and state reporting requirements is required.

- The National Center for Health Statistics will issue an **Annual Statistical Report** (without personally identifying information) providing statistical information about abortions carried out after 20 weeks post-fertilization age.

Finally, pain, we all dread it. We avoid it. We even fear it. And we all go to extraordinary lengths to mitigate its severity and its duration.

Today, there are Kermit Gosnells all over America inflicting not only violence, cruelty, and death on very young children, but excruciating pain as well. This legislation protects an entire age specific class of kids from preventable pain—and death.