

## HR 1797

Pain-Capable Unborn Child Protection Act

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Crime and Law Enforcement

**Introduced:** Apr 26, 2013

**Current Status:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Jun 19, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/1797>

### Sponsor

---

**Name:** Rep. Franks, Trent [R-AZ-8]

**Party:** Republican • **State:** AZ • **Chamber:** House

**Cosponsors** (184 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Apr 26, 2013
Rep. Alexander, Rodney [R-LA-5]	R · LA		Apr 26, 2013
Rep. Amash, Justin [R-MI-3]	R · MI		Apr 26, 2013
Rep. Bachus, Spencer [R-AL-6]	R · AL		Apr 26, 2013
Rep. Barr, Andy [R-KY-6]	R · KY		Apr 26, 2013
Rep. Benishek, Dan [R-MI-1]	R · MI		Apr 26, 2013
Rep. Black, Diane [R-TN-6]	R · TN		Apr 26, 2013
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Apr 26, 2013
Rep. Bonner, Jo [R-AL-1]	R · AL		Apr 26, 2013
Rep. Boustany, Charles W., Jr. [R-LA-3]	R · LA		Apr 26, 2013
Rep. Brady, Kevin [R-TX-8]	R · TX		Apr 26, 2013
Rep. Bridenstine, Jim [R-OK-1]	R · OK		Apr 26, 2013
Rep. Broun, Paul C. [R-GA-10]	R · GA		Apr 26, 2013
Rep. Buchanan, Vern [R-FL-16]	R · FL		Apr 26, 2013
Rep. Calvert, Ken [R-CA-42]	R · CA		Apr 26, 2013
Rep. Carter, John R. [R-TX-31]	R · TX		Apr 26, 2013
Rep. Cassidy, Bill [R-LA-6]	R · LA		Apr 26, 2013
Rep. Cole, Tom [R-OK-4]	R · OK		Apr 26, 2013
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Apr 26, 2013
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Apr 26, 2013
Rep. Crawford, Eric A. "Rick" [R-AR-1]	R · AR		Apr 26, 2013
Rep. Davis, Rodney [R-IL-13]	R · IL		Apr 26, 2013
Rep. DeSantis, Ron [R-FL-6]	R · FL		Apr 26, 2013
Rep. Duncan, Jeff [R-SC-3]	R · SC		Apr 26, 2013
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Apr 26, 2013
Rep. Fincher, Stephen Lee [R-TN-8]	R · TN		Apr 26, 2013
Rep. Fleming, John [R-LA-4]	R · LA		Apr 26, 2013
Rep. Fortenberry, Jeff [R-NE-1]	R · NE		Apr 26, 2013
Rep. Garrett, Scott [R-NJ-5]	R · NJ		Apr 26, 2013
Rep. Gohmert, Louie [R-TX-1]	R · TX		Apr 26, 2013
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Apr 26, 2013
Rep. Gowdy, Trey [R-SC-4]	R · SC		Apr 26, 2013
Rep. Griffin, Tim [R-AR-2]	R · AR		Apr 26, 2013
Rep. Guthrie, Brett [R-KY-2]	R · KY		Apr 26, 2013
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Apr 26, 2013
Rep. Harper, Gregg [R-MS-3]	R · MS		Apr 26, 2013
Rep. Hartzler, Vicky [R-MO-4]	R · MO		Apr 26, 2013
Rep. Holding, George [R-NC-13]	R · NC		Apr 26, 2013
Rep. Huelskamp, Tim [R-KS-1]	R · KS		Apr 26, 2013
Rep. Huizenga, Bill [R-MI-2]	R · MI		Apr 26, 2013
Rep. Hultgren, Randy [R-IL-14]	R · IL		Apr 26, 2013

Cosponsor	Party / State	Role	Date Joined
Rep. Johnson, Bill [R-OH-6]	R · OH		Apr 26, 2013
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Apr 26, 2013
Rep. Jordan, Jim [R-OH-4]	R · OH		Apr 26, 2013
Rep. King, Steve [R-IA-4]	R · IA		Apr 26, 2013
Rep. Kingston, Jack [R-GA-1]	R · GA		Apr 26, 2013
Rep. Lankford, James [R-OK-5]	R · OK		Apr 26, 2013
Rep. Latta, Robert E. [R-OH-5]	R · OH		Apr 26, 2013
Rep. Lipinski, Daniel [D-IL-3]	D · IL		Apr 26, 2013
Rep. Long, Billy [R-MO-7]	R · MO		Apr 26, 2013
Rep. Marino, Tom [R-PA-10]	R · PA		Apr 26, 2013
Rep. Massie, Thomas [R-KY-4]	R · KY		Apr 26, 2013
Rep. McKinley, David B. [R-WV-1]	R · WV		Apr 26, 2013
Rep. Meadows, Mark [R-NC-11]	R · NC		Apr 26, 2013
Rep. Miller, Jeff [R-FL-1]	R · FL		Apr 26, 2013
Rep. Mullin, Markwayne [R-OK-2]	R · OK		Apr 26, 2013
Rep. Mulvaney, Mick [R-SC-5]	R · SC		Apr 26, 2013
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Apr 26, 2013
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Apr 26, 2013
Rep. Nugent, Richard B. [R-FL-11]	R · FL		Apr 26, 2013
Rep. Nunnelee, Alan [R-MS-1]	R · MS		Apr 26, 2013
Rep. Olson, Pete [R-TX-22]	R · TX		Apr 26, 2013
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Apr 26, 2013
Rep. Pearce, Stevan [R-NM-2]	R · NM		Apr 26, 2013
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Apr 26, 2013
Rep. Pompeo, Mike [R-KS-4]	R · KS		Apr 26, 2013
Rep. Posey, Bill [R-FL-8]	R · FL		Apr 26, 2013
Rep. Price, Tom [R-GA-6]	R · GA		Apr 26, 2013
Rep. Roby, Martha [R-AL-2]	R · AL		Apr 26, 2013
Rep. Roe, David P. [R-TN-1]	R · TN		Apr 26, 2013
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Apr 26, 2013
Rep. Rokita, Todd [R-IN-4]	R · IN		Apr 26, 2013
Rep. Ros-Lehtinen, Ileana [R-FL-27]	R · FL		Apr 26, 2013
Rep. Ross, Dennis A. [R-FL-15]	R · FL		Apr 26, 2013
Rep. Rothfus, Keith J. [R-PA-12]	R · PA		Apr 26, 2013
Rep. Salmon, Matt [R-AZ-5]	R · AZ		Apr 26, 2013
Rep. Scalise, Steve [R-LA-1]	R · LA		Apr 26, 2013
Rep. Schock, Aaron [R-IL-18]	R · IL		Apr 26, 2013
Rep. Schweikert, David [R-AZ-6]	R · AZ		Apr 26, 2013
Rep. Shuster, Bill [R-PA-9]	R · PA		Apr 26, 2013
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Apr 26, 2013
Rep. Smith, Adrian [R-NE-3]	R · NE		Apr 26, 2013
Rep. Smith, Christopher H. [R-NJ-4]	R · NJ		Apr 26, 2013

Cosponsor	Party / State	Role	Date Joined
Rep. Stewart, Chris [R-UT-2]	R · UT		Apr 26, 2013
Rep. Stivers, Steve [R-OH-15]	R · OH		Apr 26, 2013
Rep. Stockman, Steve [R-TX-36]	R · TX		Apr 26, 2013
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Apr 26, 2013
Rep. Wagner, Ann [R-MO-2]	R · MO		Apr 26, 2013
Rep. Walberg, Tim [R-MI-7]	R · MI		Apr 26, 2013
Rep. Westmoreland, Lynn A. [R-GA-3]	R · GA		Apr 26, 2013
Rep. Wilson, Joe [R-SC-2]	R · SC		Apr 26, 2013
Rep. Yoder, Kevin [R-KS-3]	R · KS		Apr 26, 2013
Rep. Young, Todd [R-IN-9]	R · IN		Apr 26, 2013
Rep. Flores, Bill [R-TX-17]	R · TX		Apr 30, 2013
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Apr 30, 2013
Rep. Harris, Andy [R-MD-1]	R · MD		Apr 30, 2013
Rep. Jenkins, Lynn [R-KS-2]	R · KS		Apr 30, 2013
Rep. Kelly, Mike [R-PA-3]	R · PA		Apr 30, 2013
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		Apr 30, 2013
Rep. Bishop, Rob [R-UT-1]	R · UT		May 8, 2013
Rep. Terry, Lee [R-NE-2]	R · NE		May 8, 2013
Rep. Camp, Dave [R-MI-4]	R · MI		May 13, 2013
Rep. Kline, John [R-MN-2]	R · MN		May 13, 2013
Rep. Fleischmann, Charles J. "Chuck" [R-TN-3]	R · TN		May 14, 2013
Rep. Labrador, Raul R. [R-ID-1]	R · ID		May 15, 2013
Rep. Barletta, Lou [R-PA-11]	R · PA		May 16, 2013
Rep. Lucas, Frank D. [R-OK-3]	R · OK		May 16, 2013
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		May 20, 2013
Rep. Marchant, Kenny [R-TX-24]	R · TX		May 20, 2013
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		May 20, 2013
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		May 20, 2013
Rep. Daines, Steve [R-MT-At Large]	R · MT		May 21, 2013
Rep. Ellmers, Renee L. [R-NC-2]	R · NC		May 21, 2013
Rep. McIntyre, Mike [D-NC-7]	D · NC		May 21, 2013
Rep. Pittenger, Robert [R-NC-9]	R · NC		May 21, 2013
Rep. Womack, Steve [R-AR-3]	R · AR		May 21, 2013
Rep. Bachmann, Michele [R-MN-6]	R · MN		May 22, 2013
Rep. Johnson, Sam [R-TX-3]	R · TX		May 22, 2013
Rep. Latham, Tom [R-IA-3]	R · IA		May 22, 2013
Rep. Thompson, Glenn [R-PA-5]	R · PA		May 22, 2013
Rep. Barton, Joe [R-TX-6]	R · TX		May 23, 2013
Rep. Chabot, Steve [R-OH-1]	R · OH		May 23, 2013
Rep. Lamborn, Doug [R-CO-5]	R · CO		May 23, 2013
Rep. Ribble, Reid J. [R-WI-8]	R · WI		May 23, 2013
Rep. Smith, Lamar [R-TX-21]	R · TX		May 23, 2013

Cosponsor	Party / State	Role	Date Joined
Rep. Southerland, Steve II [R-FL-2]	R · FL		May 23, 2013
Rep. Wenstrup, Brad R. [R-OH-2]	R · OH		May 23, 2013
Rep. Coble, Howard [R-NC-6]	R · NC		May 24, 2013
Rep. Collins, Doug [R-GA-9]	R · GA		May 24, 2013
Rep. Cotton, Tom [R-AR-4]	R · AR		May 24, 2013
Rep. Murphy, Tim [R-PA-18]	R · PA		May 24, 2013
Rep. Rogers, Harold [R-KY-5]	R · KY		May 24, 2013
Rep. Stutzman, Marlin A. [R-IN-3]	R · IN		May 24, 2013
Rep. Duffy, Sean P. [R-WI-7]	R · WI		Jun 3, 2013
Rep. Farenthold, Blake [R-TX-27]	R · TX		Jun 3, 2013
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Jun 3, 2013
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Jun 3, 2013
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Jun 4, 2013
Rep. Turner, Michael R. [R-OH-10]	R · OH		Jun 4, 2013
Rep. Denham, Jeff [R-CA-10]	R · CA		Jun 5, 2013
Rep. Foxx, Virginia [R-NC-5]	R · NC		Jun 5, 2013
Rep. Hudson, Richard [R-NC-8]	R · NC		Jun 5, 2013
Rep. Poe, Ted [R-TX-2]	R · TX		Jun 5, 2013
Rep. Bentivolio, Kerry L. [R-MI-11]	R · MI		Jun 6, 2013
Rep. Brooks, Susan W. [R-IN-5]	R · IN		Jun 6, 2013
Rep. King, Peter T. [R-NY-2]	R · NY		Jun 6, 2013
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Jun 10, 2013
Rep. Brooks, Mo [R-AL-5]	R · AL		Jun 10, 2013
Rep. Gibbs, Bob [R-OH-7]	R · OH		Jun 10, 2013
Rep. LaMalfa, Doug [R-CA-1]	R · CA		Jun 10, 2013
Rep. McClintock, Tom [R-CA-4]	R · CA		Jun 10, 2013
Rep. Messer, Luke [R-IN-6]	R · IN		Jun 10, 2013
Rep. Mica, John L. [R-FL-7]	R · FL		Jun 10, 2013
Rep. Miller, Candice S. [R-MI-10]	R · MI		Jun 10, 2013
Rep. Renacci, James B. [R-OH-16]	R · OH		Jun 10, 2013
Rep. Walorski, Jackie [R-IN-2]	R · IN		Jun 10, 2013
Rep. Bucshon, Larry [R-IN-8]	R · IN		Jun 11, 2013
Rep. Collins, Chris [R-NY-27]	R · NY		Jun 11, 2013
Rep. Crenshaw, Ander [R-FL-4]	R · FL		Jun 11, 2013
Rep. Diaz-Balart, Mario [R-FL-25]	R · FL		Jun 11, 2013
Rep. Gingrey, Phil [R-GA-11]	R · GA		Jun 11, 2013
Rep. Griffith, H. Morgan [R-VA-9]	R · VA		Jun 11, 2013
Rep. Joyce, David P. [R-OH-14]	R · OH		Jun 11, 2013
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Jun 11, 2013
Rep. Nunes, Devin [R-CA-22]	R · CA		Jun 11, 2013
Rep. Perry, Scott [R-PA-4]	R · PA		Jun 11, 2013
Rep. Radel, Trey [R-FL-19]	R · FL		Jun 11, 2013

Cosponsor	Party / State	Role	Date Joined
Rep. Reed, Tom [R-NY-23]	R · NY		Jun 11, 2013
Rep. Roskam, Peter J. [R-IL-6]	R · IL		Jun 11, 2013
Rep. Scott, Austin [R-GA-8]	R · GA		Jun 11, 2013
Rep. Yoho, Ted S. [R-FL-3]	R · FL		Jun 11, 2013
Rep. Culberson, John Abney [R-TX-7]	R · TX		Jun 12, 2013
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jun 12, 2013
Rep. Graves, Sam [R-MO-6]	R · MO		Jun 12, 2013
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Jun 12, 2013
Rep. Rice, Tom [R-SC-7]	R · SC		Jun 12, 2013
Rep. Sanford, Mark [R-SC-1]	R · SC		Jun 12, 2013
Rep. Smith, Jason [R-MO-8]	R · MO		Jun 12, 2013
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Jun 12, 2013
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Jun 12, 2013
Rep. Graves, Tom [R-GA-14]	R · GA		Jun 13, 2013
Rep. Rigell, E. Scott [R-VA-2]	R · VA		Jun 13, 2013
Rep. Webster, Daniel [R-FL-10]	R · FL		Jun 13, 2013
Rep. Hurt, Robert [R-VA-5]	R · VA		Jun 14, 2013

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Discharged from	Jun 3, 2013
Judiciary Committee	House	Reported by	Jun 4, 2013
Judiciary Committee	Senate	Referred To	Jun 19, 2013
Oversight and Government Reform Committee	House	Discharged From	Jun 15, 2013

### Subjects & Policy Tags

#### Policy Area:

Crime and Law Enforcement

### Related Bills

Bill	Relationship	Last Action
113 S 1670	Related bill	<b>Nov 7, 2013:</b> Read twice and referred to the Committee on the Judiciary.
113 HRES 266	Related bill	<b>Jun 18, 2013:</b> Motion to reconsider laid on the table Agreed to without objection.
113 S 886	Identical bill	<b>May 7, 2013:</b> Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Pain-Capable Unborn Child Protection Act - Amends the federal criminal code to prohibit any person from performing or attempting to perform an abortion except in conformity with this Act's requirements.

Requires the physician to first determine the probable post-fertilization age of the unborn child, or reasonably rely upon such a determination made by another physician, by making inquiries of the pregnant woman and performing such medical examinations and tests as a reasonably prudent physician would consider necessary.

Prohibits the abortion from being performed if the probable post-fertilization age of the unborn child is 20 weeks or greater, except: (1) where necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, illness, or injury, excluding psychological or emotional conditions; or (2) where the pregnancy is the result of rape, or the result of incest against a minor, if the rape has been reported at any time prior to the abortion to an appropriate law enforcement agency, or if the incest has been reported at any time prior to the abortion to an appropriate law enforcement agency or to a government agency legally authorized to act on reports of child abuse or neglect. Permits a physician to terminate a pregnancy under such an exception only in the manner that provides the best opportunity for the unborn child to survive, unless that manner would pose a greater risk than other available methods would pose of the death or substantial and irreversible physical impairment of a major bodily function, excluding psychological or emotional conditions, of the pregnant woman.

Subjects individuals who violate this Act to a fine, imprisonment for not more than five years, or both. Bars prosecution of a woman upon whom an abortion is performed in violation of this Act for violating or conspiring to violate this Act.

Defines "abortion" to mean the use or prescription of any instrument, medicine, drug, or any other substance or device to intentionally kill an unborn child or to intentionally terminate a pregnancy with an intention other than: (1) after viability, to produce a live birth and preserve the life and health of the child; or (2) to remove a dead unborn child.

## Actions Timeline

---

- **Jun 19, 2013:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Jun 18, 2013:** Considered under the provisions of rule H. Res. 266. (consideration: CR H3730-3743)
- **Jun 18, 2013:** The resolution provides for one hour of debate on H.R. 1947 and provides for consideration of H.R. 1797 with one hour of debate and one motion to recommit with or without instructions.
- **Jun 18, 2013:** DEBATE - The House proceeded with one hour of debate on H.R. 1797.
- **Jun 18, 2013:** The previous question was ordered pursuant to the rule. (consideration: CR H3743)
- **Jun 18, 2013:** POSTPONED PROCEEDINGS - At the conclusion of debate on H.R. 1797, the Chair put the question on passage and, by voice vote, announced that the ayes had prevailed. Ms. Ros-Lehtinen demanded the yeas and nays and the Chair postponed further proceedings on the question of passage until later in the legislative day.
- **Jun 18, 2013:** Considered as unfinished business. (consideration: CR H3743-3744)
- **Jun 18, 2013:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 228 - 196 (Roll no. 251).(text: CR H3730-3731)
- **Jun 18, 2013:** On passage Passed by the Yeas and Nays: 228 - 196 (Roll no. 251). (text: CR H3730-3731)
- **Jun 18, 2013:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 18, 2013:** The title of the measure was amended. Agreed to without objection.
- **Jun 17, 2013:** Rules Committee Resolution H. Res. 266 Reported to House. The resolution provides for one hour of debate on H.R. 1947 and provides for consideration of H.R. 1797 with one hour of debate and one motion to recommit with or without instructions.
- **Jun 14, 2013:** Reported (Amended) by the Committee on Judiciary. H. Rept. 113-109, Part I.
- **Jun 14, 2013:** Committee on Oversight and Government discharged.
- **Jun 14, 2013:** Placed on the Union Calendar, Calendar No. 77.
- **Jun 12, 2013:** Committee Consideration and Mark-up Session Held.
- **Jun 12, 2013:** Ordered to be Reported (Amended) by the Yeas and Nays: 20 - 12.
- **Jun 4, 2013:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 4, 2013:** Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 6 - 4 .
- **Jun 3, 2013:** Subcommittee on Crime, Terrorism, Homeland Security, and Investigations Discharged.
- **May 23, 2013:** Subcommittee Hearings Held.
- **May 23, 2013:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
- **May 23, 2013:** Referred to the Subcommittee on the Constitution and Civil Justice.
- **Apr 26, 2013:** Introduced in House
- **Apr 26, 2013:** Referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.