

## HR 36

Pain-Capable Unborn Child Protection Act

**Congress:** 115 (2017–2019, Ended)

**Chamber:** House

**Policy Area:** Crime and Law Enforcement

**Introduced:** Jan 3, 2017

**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. (Oct 4, 2017)

**Official Text:** <https://www.congress.gov/bill/115th-congress/house-bill/36>

### Sponsor

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

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

**Cosponsors** (182 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Abraham, Ralph Lee [R-LA-5]	R · LA		Jan 10, 2017
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Jan 10, 2017
Rep. Banks, Jim [R-IN-3]	R · IN		Jan 10, 2017
Rep. Barletta, Lou [R-PA-11]	R · PA		Jan 10, 2017
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Jan 10, 2017
Rep. Black, Diane [R-TN-6]	R · TN		Jan 10, 2017
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Jan 10, 2017
Rep. Bost, Mike [R-IL-12]	R · IL		Jan 10, 2017
Rep. Bridenstine, Jim [R-OK-1]	R · OK		Jan 10, 2017
Rep. Byrne, Bradley [R-AL-1]	R · AL		Jan 10, 2017
Rep. Chabot, Steve [R-OH-1]	R · OH		Jan 10, 2017
Rep. Davidson, Warren [R-OH-8]	R · OH		Jan 10, 2017
Rep. Duffy, Sean P. [R-WI-7]	R · WI		Jan 10, 2017
Rep. Duncan, Jeff [R-SC-3]	R · SC		Jan 10, 2017
Rep. Farenthold, Blake [R-TX-27]	R · TX		Jan 10, 2017
Rep. Flores, Bill [R-TX-17]	R · TX		Jan 10, 2017
Rep. Foxx, Virginia [R-NC-5]	R · NC		Jan 10, 2017
Rep. Gibbs, Bob [R-OH-7]	R · OH		Jan 10, 2017
Rep. Gohmert, Louie [R-TX-1]	R · TX		Jan 10, 2017
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jan 10, 2017
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Jan 10, 2017
Rep. Graves, Sam [R-MO-6]	R · MO		Jan 10, 2017
Rep. Griffith, H. Morgan [R-VA-9]	R · VA		Jan 10, 2017
Rep. Grothman, Glenn [R-WI-6]	R · WI		Jan 10, 2017
Rep. Guthrie, Brett [R-KY-2]	R · KY		Jan 10, 2017
Rep. Harris, Andy [R-MD-1]	R · MD		Jan 10, 2017
Rep. Huizenga, Bill [R-MI-2]	R · MI		Jan 10, 2017
Rep. Jenkins, Lynn [R-KS-2]	R · KS		Jan 10, 2017
Rep. Johnson, Bill [R-OH-6]	R · OH		Jan 10, 2017
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Jan 10, 2017
Rep. Joyce, David P. [R-OH-14]	R · OH		Jan 10, 2017
Rep. Kelly, Mike [R-PA-3]	R · PA		Jan 10, 2017
Rep. Kelly, Trent [R-MS-1]	R · MS		Jan 10, 2017
Rep. King, Steve [R-IA-4]	R · IA		Jan 10, 2017
Rep. Latta, Robert E. [R-OH-5]	R · OH		Jan 10, 2017
Rep. Love, Mia B. [R-UT-4]	R · UT		Jan 10, 2017
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		Jan 10, 2017
Rep. Marchant, Kenny [R-TX-24]	R · TX		Jan 10, 2017
Rep. Messer, Luke [R-IN-6]	R · IN		Jan 10, 2017
Rep. Moolenaar, John R. [R-MI-4]	R · MI		Jan 10, 2017
Rep. Mooney, Alexander X. [R-WV-2]	R · WV		Jan 10, 2017

Cosponsor	Party / State	Role	Date Joined
Rep. Mullin, Markwayne [R-OK-2]	R · OK		Jan 10, 2017
Rep. Olson, Pete [R-TX-22]	R · TX		Jan 10, 2017
Rep. Palmer, Gary J. [R-AL-6]	R · AL		Jan 10, 2017
Rep. Pittenger, Robert [R-NC-9]	R · NC		Jan 10, 2017
Rep. Poe, Ted [R-TX-2]	R · TX		Jan 10, 2017
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Jan 10, 2017
Rep. Roskam, Peter J. [R-IL-6]	R · IL		Jan 10, 2017
Rep. Rothfus, Keith J. [R-PA-12]	R · PA		Jan 10, 2017
Rep. Rouzer, David [R-NC-7]	R · NC		Jan 10, 2017
Rep. Shimkus, John [R-IL-15]	R · IL		Jan 10, 2017
Rep. Smith, Christopher H. [R-NJ-4]	R · NJ		Jan 10, 2017
Rep. Smith, Jason [R-MO-8]	R · MO		Jan 10, 2017
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Jan 10, 2017
Rep. Wagner, Ann [R-MO-2]	R · MO		Jan 10, 2017
Rep. Walberg, Tim [R-MI-7]	R · MI		Jan 10, 2017
Rep. Wenstrup, Brad R. [R-OH-2]	R · OH		Jan 10, 2017
Rep. Amash, Justin [R-MI-3]	R · MI		Jan 13, 2017
Rep. Babin, Brian [R-TX-36]	R · TX		Jan 13, 2017
Rep. Bucshon, Larry [R-IN-8]	R · IN		Jan 13, 2017
Rep. Collins, Doug [R-GA-9]	R · GA		Jan 13, 2017
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Jan 13, 2017
Rep. Emmer, Tom [R-MN-6]	R · MN		Jan 13, 2017
Rep. Hice, Jody B. [R-GA-10]	R · GA		Jan 13, 2017
Rep. Hill, J. French [R-AR-2]	R · AR		Jan 13, 2017
Rep. Johnson, Sam [R-TX-3]	R · TX		Jan 13, 2017
Rep. Lamborn, Doug [R-CO-5]	R · CO		Jan 13, 2017
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Jan 13, 2017
Rep. Rokita, Todd [R-IN-4]	R · IN		Jan 13, 2017
Rep. Scalise, Steve [R-LA-1]	R · LA		Jan 13, 2017
Rep. Stewart, Chris [R-UT-2]	R · UT		Jan 13, 2017
Rep. Wilson, Joe [R-SC-2]	R · SC		Jan 13, 2017
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Jan 13, 2017
Rep. Yoder, Kevin [R-KS-3]	R · KS		Jan 13, 2017
Rep. Brady, Kevin [R-TX-8]	R · TX		Jan 24, 2017
Rep. Hunter, Duncan D. [R-CA-50]	R · CA		Jan 24, 2017
Rep. Jordan, Jim [R-OH-4]	R · OH		Jan 24, 2017
Rep. Marshall, Roger [R-KS-1]	R · KS		Jan 24, 2017
Rep. Ratcliffe, John [R-TX-4]	R · TX		Jan 24, 2017
Rep. Turner, Michael R. [R-OH-10]	R · OH		Jan 24, 2017
Rep. Yoho, Ted S. [R-FL-3]	R · FL		Jan 24, 2017
Rep. Barr, Andy [R-KY-6]	R · KY		Feb 7, 2017
Rep. Ferguson, A. Drew, IV [R-GA-3]	R · GA		Feb 7, 2017

Cosponsor	Party / State	Role	Date Joined
Rep. Massie, Thomas [R-KY-4]	R · KY		Feb 7, 2017
Rep. Mitchell, Paul [R-MI-10]	R · MI		Feb 7, 2017
Rep. Murphy, Tim [R-PA-18]	R · PA		Feb 7, 2017
Rep. Shuster, Bill [R-PA-9]	R · PA		Feb 7, 2017
Rep. Smith, Adrian [R-NE-3]	R · NE		Feb 7, 2017
Rep. Walorski, Jackie [R-IN-2]	R · IN		Feb 7, 2017
Rep. Allen, Rick W. [R-GA-12]	R · GA		Feb 16, 2017
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Feb 16, 2017
Rep. Roe, David P. [R-TN-1]	R · TN		Feb 16, 2017
Rep. Roby, Martha [R-AL-2]	R · AL		Mar 1, 2017
Rep. Bacon, Don [R-NE-2]	R · NE		Mar 8, 2017
Rep. Hartzler, Vicky [R-MO-4]	R · MO		Mar 8, 2017
Rep. Biggs, Andy [R-AZ-5]	R · AZ		Mar 13, 2017
Rep. Lipinski, Daniel [D-IL-3]	D · IL		Mar 13, 2017
Rep. Fleischmann, Charles J. "Chuck" [R-TN-3]	R · TN		Mar 16, 2017
Rep. Hultgren, Randy [R-IL-14]	R · IL		Mar 16, 2017
Rep. Arrington, Jodey C. [R-TX-19]	R · TX		Apr 3, 2017
Rep. Collins, Chris [R-NY-27]	R · NY		Apr 3, 2017
Rep. Carter, John R. [R-TX-31]	R · TX		Apr 17, 2017
Rep. Webster, Daniel [R-FL-11]	R · FL		Apr 17, 2017
Rep. Blum, Rod [R-IA-1]	R · IA		Apr 25, 2017
Rep. Walker, Mark [R-NC-6]	R · NC		Apr 25, 2017
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		May 1, 2017
Rep. Gaetz, Matt [R-FL-1]	R · FL		May 2, 2017
Rep. Meadows, Mark [R-NC-11]	R · NC		May 3, 2017
Rep. Peterson, Collin C. [D-MN-7]	D · MN		May 3, 2017
Rep. Bergman, Jack [R-MI-1]	R · MI		May 4, 2017
Rep. Hudson, Richard [R-NC-8]	R · NC		May 4, 2017
Rep. Cheney, Liz [R-WY-At Large]	R · WY		May 16, 2017
Rep. Buck, Ken [R-CO-4]	R · CO		May 22, 2017
Rep. Bishop, Mike [R-MI-8]	R · MI		May 23, 2017
Rep. Davis, Rodney [R-IL-13]	R · IL		Jun 6, 2017
Rep. McKinley, David B. [R-WV-1]	R · WV		Jun 6, 2017
Rep. Kustoff, David [R-TN-8]	R · TN		Jun 8, 2017
Rep. Budd, Ted [R-NC-13]	R · NC		Jun 21, 2017
Rep. Culberson, John Abney [R-TX-7]	R · TX		Jun 21, 2017
Rep. Hollingsworth, Trey [R-IN-9]	R · IN		Jun 21, 2017
Rep. Dunn, Neal P. [R-FL-2]	R · FL		Jul 11, 2017
Rep. Thompson, Glenn [R-PA-5]	R · PA		Jul 11, 2017
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Jul 13, 2017
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Jul 17, 2017
Rep. Carter, Earl L. "Buddy" [R-GA-1]	R · GA		Jul 25, 2017

Cosponsor	Party / State	Role	Date Joined
Rep. Brooks, Mo [R-AL-5]	R · AL		Aug 8, 2017
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Aug 8, 2017
Rep. Bishop, Rob [R-UT-1]	R · UT		Aug 29, 2017
Rep. Crawford, Eric A. "Rick" [R-AR-1]	R · AR		Aug 29, 2017
Rep. Labrador, Raul R. [R-ID-1]	R · ID		Aug 29, 2017
Rep. Marino, Tom [R-PA-10]	R · PA		Aug 29, 2017
Rep. Schweikert, David [R-AZ-6]	R · AZ		Aug 29, 2017
Rep. Sessions, Pete [R-TX-32]	R · TX		Aug 29, 2017
Rep. Westerman, Bruce [R-AR-4]	R · AR		Aug 29, 2017
Rep. Williams, Roger [R-TX-25]	R · TX		Aug 29, 2017
Rep. Womack, Steve [R-AR-3]	R · AR		Aug 29, 2017
Rep. Herrera Beutler, Jaime [R-WA-3]	R · WA		Sep 6, 2017
Rep. LaHood, Darin [R-IL-18]	R · IL		Sep 6, 2017
Rep. Long, Billy [R-MO-7]	R · MO		Sep 6, 2017
Rep. Woodall, Rob [R-GA-7]	R · GA		Sep 6, 2017
Rep. Tenney, Claudia [R-NY-22]	R · NY		Sep 7, 2017
Rep. Fortenberry, Jeff [R-NE-1]	R · NE		Sep 8, 2017
Rep. Perry, Scott [R-PA-4]	R · PA		Sep 8, 2017
Rep. Smucker, Lloyd [R-PA-16]	R · PA		Sep 8, 2017
Rep. Higgins, Clay [R-LA-3]	R · LA		Sep 12, 2017
Rep. Loudermilk, Barry [R-GA-11]	R · GA		Sep 12, 2017
Rep. Rooney, Francis [R-FL-19]	R · FL		Sep 12, 2017
Rep. Norman, Ralph [R-SC-5]	R · SC		Sep 14, 2017
Rep. Pearce, Stevan [R-NM-2]	R · NM		Sep 14, 2017
Rep. Renacci, James B. [R-OH-16]	R · OH		Sep 14, 2017
Rep. Harper, Gregg [R-MS-3]	R · MS		Sep 18, 2017
Rep. Smith, Lamar [R-TX-21]	R · TX		Sep 18, 2017
Rep. Gowdy, Trey [R-SC-4]	R · SC		Sep 25, 2017
Rep. Holding, George [R-NC-2]	R · NC		Sep 25, 2017
Rep. Jenkins, Evan H. [R-WV-3]	R · WV		Sep 25, 2017
Rep. Johnson, Mike [R-LA-4]	R · LA		Sep 25, 2017
Rep. Rice, Tom [R-SC-7]	R · SC		Sep 25, 2017
Rep. Russell, Steve [R-OK-5]	R · OK		Sep 25, 2017
Rep. Brat, Dave [R-VA-7]	R · VA		Sep 26, 2017
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Sep 26, 2017
Rep. Estes, Ron [R-KS-4]	R · KS		Sep 26, 2017
Rep. Graves, Tom [R-GA-14]	R · GA		Sep 26, 2017
Rep. Handel, Karen C. [R-GA-6]	R · GA		Sep 26, 2017
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Sep 26, 2017
Rep. Scott, Austin [R-GA-8]	R · GA		Sep 26, 2017
Rep. Stivers, Steve [R-OH-15]	R · OH		Sep 26, 2017
Rep. Zeldin, Lee M. [R-NY-1]	R · NY		Sep 26, 2017

Cosponsor	Party / State	Role	Date Joined
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Sep 27, 2017
Rep. Rooney, Thomas J. [R-FL-17]	R · FL		Sep 27, 2017
Rep. Cook, Paul [R-CA-8]	R · CA		Sep 28, 2017
Rep. Barton, Joe [R-TX-6]	R · TX		Oct 2, 2017
Rep. Cole, Tom [R-OK-4]	R · OK		Oct 2, 2017
Rep. DesJarlais, Scott [R-TN-4]	R · TN		Oct 2, 2017
Rep. Garrett, Thomas A., Jr. [R-VA-5]	R · VA		Oct 2, 2017
Rep. LaMalfa, Doug [R-CA-1]	R · CA		Oct 2, 2017
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Oct 2, 2017
Rep. McClintock, Tom [R-CA-4]	R · CA		Oct 2, 2017
Rep. Rogers, Harold [R-KY-5]	R · KY		Oct 2, 2017
Rep. Ross, Dennis A. [R-FL-15]	R · FL		Oct 2, 2017
Rep. Rutherford, John H. [R-FL-4]	R · FL		Oct 2, 2017
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Oct 2, 2017
Rep. Young, David [R-IA-3]	R · IA		Oct 2, 2017

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Jan 12, 2017
Judiciary Committee	Senate	Referred To	Oct 4, 2017

### Subjects & Policy Tags

#### Policy Area:

Crime and Law Enforcement

### Related Bills

Bill	Relationship	Last Action
115 S 2311	Related bill	<b>Jan 29, 2018:</b> Cloture on the motion to proceed to the measure not invoked in Senate by Yea-Nay Vote. 51 - 46. Record Vote Number: 25.
115 S 1922	Related bill	<b>Oct 5, 2017:</b> Read twice and referred to the Committee on the Judiciary.
115 HRES 548	Procedurally related	<b>Oct 3, 2017:</b> Motion to reconsider laid on the table Agreed to without objection.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

### **Pain-Capable Unborn Child Protection Act**

(Sec. 3) This bill amends the federal criminal code to make it a crime for any person to perform or attempt to perform an abortion if the probable post-fertilization age of the fetus is 20 weeks or more.

A violator is subject to criminal penalties—a fine, up to five years in prison, or both.

The bill provides exceptions for an abortion: (1) that is necessary to save the life of the pregnant woman, or (2) when the pregnancy is the result of rape or incest. A physician who performs or attempts to perform an abortion under an exception must comply with specified requirements.

A woman who undergoes a prohibited abortion may not be prosecuted for violating or conspiring to violate the provisions of this bill.

A woman who undergoes an abortion or attempted abortion may file a civil action for damages against an individual who violates the provisions of this bill.

### **Actions Timeline**

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- **Oct 4, 2017:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Oct 3, 2017:** Rule H. Res. 548 passed House.
- **Oct 3, 2017:** Considered under the provisions of rule H. Res. 548. (consideration: CR H7712-7728)
- **Oct 3, 2017:** Rule provides for consideration of H.R. 36 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments.
- **Oct 3, 2017:** DEBATE - The House proceeded with one hour of debate on H.R. 36.
- **Oct 3, 2017:** The previous question was ordered pursuant to the rule.
- **Oct 3, 2017:** Ms. Brownley (CA) moved to recommit with instructions to the Committee on the Judiciary. (text: CR H7725)
- **Oct 3, 2017:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Brownley (CA) motion to recommit with instructions. The instructions contained in the motion to seek the require the bill to be reported back to the House with an amendment to add the word health throughout section 3 pertaining to the Pain-Capable Unborn Child Protection.
- **Oct 3, 2017:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Oct 3, 2017:** On motion to recommit with instructions Failed by the Yeas and Nays: 187 - 238 (Roll no. 548).
- **Oct 3, 2017:** Passed/agreed to in House: On passage Passed by recorded vote: 237 - 189 (Roll no. 549).(text: CR H7713-7715)
- **Oct 3, 2017:** On passage Passed by recorded vote: 237 - 189 (Roll no. 549). (text: CR H7713-7715)
- **Oct 3, 2017:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 2, 2017:** Rules Committee Resolution H. Res. 548 Reported to House. Rule provides for consideration of H.R. 36 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments.
- **Jan 12, 2017:** Referred to the Subcommittee on the Constitution and Civil Justice.
- **Jan 3, 2017:** Introduced in House
- **Jan 3, 2017:** Referred to the House Committee on the Judiciary.