

## HR 26

Born-Alive Abortion Survivors Protection Act

**Congress:** 118 (2023–2025, Ended)

**Chamber:** House

**Policy Area:** Crime and Law Enforcement

**Introduced:** Jan 9, 2023

**Current Status:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 2.

**Latest Action:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 2.

(Jan 25, 2023)

**Official Text:** <https://www.congress.gov/bill/118th-congress/house-bill/26>

### **Sponsor**

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**Name:** Rep. Wagner, Ann [R-MO-2]

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

## Cosponsors (166 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Jan 9, 2023
Rep. Allen, Rick W. [R-GA-12]	R · GA		Jan 9, 2023
Rep. Amodei, Mark E. [R-NV-2]	R · NV		Jan 9, 2023
Rep. Armstrong, Kelly [R-ND-At Large]	R · ND		Jan 9, 2023
Rep. Arrington, Jodey C. [R-TX-19]	R · TX		Jan 9, 2023
Rep. Babin, Brian [R-TX-36]	R · TX		Jan 9, 2023
Rep. Bacon, Don [R-NE-2]	R · NE		Jan 9, 2023
Rep. Balderson, Troy [R-OH-12]	R · OH		Jan 9, 2023
Rep. Banks, Jim [R-IN-3]	R · IN		Jan 9, 2023
Rep. Barr, Andy [R-KY-6]	R · KY		Jan 9, 2023
Rep. Bergman, Jack [R-MI-1]	R · MI		Jan 9, 2023
Rep. Bice, Stephanie L. [R-OK-5]	R · OK		Jan 9, 2023
Rep. Biggs, Andy [R-AZ-5]	R · AZ		Jan 9, 2023
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Jan 9, 2023
Rep. Bishop, Dan [R-NC-8]	R · NC		Jan 9, 2023
Rep. Boebert, Lauren [R-CO-3]	R · CO		Jan 9, 2023
Rep. Bost, Mike [R-IL-12]	R · IL		Jan 9, 2023
Rep. Brecheen, Josh [R-OK-2]	R · OK		Jan 9, 2023
Rep. Buchanan, Vern [R-FL-16]	R · FL		Jan 9, 2023
Rep. Buck, Ken [R-CO-4]	R · CO		Jan 9, 2023
Rep. Bucshon, Larry [R-IN-8]	R · IN		Jan 9, 2023
Rep. Burchett, Tim [R-TN-2]	R · TN		Jan 9, 2023
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Jan 9, 2023
Rep. Calvert, Ken [R-CA-41]	R · CA		Jan 9, 2023
Rep. Cammack, Kat [R-FL-3]	R · FL		Jan 9, 2023
Rep. Carl, Jerry L. [R-AL-1]	R · AL		Jan 9, 2023
Rep. Carter, Earl L. "Buddy" [R-GA-1]	R · GA		Jan 9, 2023
Rep. Cline, Ben [R-VA-6]	R · VA		Jan 9, 2023
Rep. Cloud, Michael [R-TX-27]	R · TX		Jan 9, 2023
Rep. Clyde, Andrew S. [R-GA-9]	R · GA		Jan 9, 2023
Rep. Cole, Tom [R-OK-4]	R · OK		Jan 9, 2023
Rep. Comer, James [R-KY-1]	R · KY		Jan 9, 2023
Rep. Crenshaw, Dan [R-TX-2]	R · TX		Jan 9, 2023
Rep. Curtis, John R. [R-UT-3]	R · UT		Jan 9, 2023
Rep. Davidson, Warren [R-OH-8]	R · OH		Jan 9, 2023
Rep. Diaz-Balart, Mario [R-FL-26]	R · FL		Jan 9, 2023
Rep. Duncan, Jeff [R-SC-3]	R · SC		Jan 9, 2023
Rep. Ellzey, Jake [R-TX-6]	R · TX		Jan 9, 2023
Rep. Estes, Ron [R-KS-4]	R · KS		Jan 9, 2023
Rep. Ezell, Mike [R-MS-4]	R · MS		Jan 9, 2023
Rep. Fallon, Pat [R-TX-4]	R · TX		Jan 9, 2023

Cosponsor	Party / State	Role	Date Joined
Rep. Feenstra, Randy [R-IA-4]	R · IA		Jan 9, 2023
Rep. Ferguson, A. Drew, IV [R-GA-3]	R · GA		Jan 9, 2023
Rep. Finstad, Brad [R-MN-1]	R · MN		Jan 9, 2023
Rep. Fischbach, Michelle [R-MN-7]	R · MN		Jan 9, 2023
Rep. Fitzgerald, Scott [R-WI-5]	R · WI		Jan 9, 2023
Rep. Fleischmann, Charles J. "Chuck" [R-TN-3]	R · TN		Jan 9, 2023
Rep. Foxx, Virginia [R-NC-5]	R · NC		Jan 9, 2023
Rep. Fry, Russell [R-SC-7]	R · SC		Jan 9, 2023
Rep. Fulcher, Russ [R-ID-1]	R · ID		Jan 9, 2023
Rep. Gaetz, Matt [R-FL-1]	R · FL		Jan 9, 2023
Rep. Gallagher, Mike [R-WI-8]	R · WI		Jan 9, 2023
Rep. Garbarino, Andrew R. [R-NY-2]	R · NY		Jan 9, 2023
Rep. Gimenez, Carlos A. [R-FL-28]	R · FL		Jan 9, 2023
Rep. Gonzales, Tony [R-TX-23]	R · TX		Jan 9, 2023
Rep. Good, Bob [R-VA-5]	R · VA		Jan 9, 2023
Rep. Gooden, Lance [R-TX-5]	R · TX		Jan 9, 2023
Rep. Graves, Garret [R-LA-6]	R · LA		Jan 9, 2023
Rep. Graves, Sam [R-MO-6]	R · MO		Jan 9, 2023
Rep. Green, Mark E. [R-TN-7]	R · TN		Jan 9, 2023
Rep. Greene, Marjorie Taylor [R-GA-14]	R · GA		Jan 9, 2023
Rep. Grothman, Glenn [R-WI-6]	R · WI		Jan 9, 2023
Rep. Guest, Michael [R-MS-3]	R · MS		Jan 9, 2023
Rep. Guthrie, Brett [R-KY-2]	R · KY		Jan 9, 2023
Rep. Harris, Andy [R-MD-1]	R · MD		Jan 9, 2023
Rep. Harshbarger, Diana [R-TN-1]	R · TN		Jan 9, 2023
Rep. Hern, Kevin [R-OK-1]	R · OK		Jan 9, 2023
Rep. Higgins, Clay [R-LA-3]	R · LA		Jan 9, 2023
Rep. Hinson, Ashley [R-IA-2]	R · IA		Jan 9, 2023
Rep. Houchin, Erin [R-IN-9]	R · IN		Jan 9, 2023
Rep. Hudson, Richard [R-NC-9]	R · NC		Jan 9, 2023
Rep. Huizenga, Bill [R-MI-4]	R · MI		Jan 9, 2023
Rep. Issa, Darrell E. [R-CA-48]	R · CA		Jan 9, 2023
Rep. Jackson, Ronny [R-TX-13]	R · TX		Jan 9, 2023
Rep. Johnson, Bill [R-OH-6]	R · OH		Jan 9, 2023
Rep. Johnson, Mike [R-LA-4]	R · LA		Jan 9, 2023
Rep. Joyce, David P. [R-OH-14]	R · OH		Jan 9, 2023
Rep. Joyce, John [R-PA-13]	R · PA		Jan 9, 2023
Rep. Kelly, Mike [R-PA-16]	R · PA		Jan 9, 2023
Rep. Kim, Young [R-CA-40]	R · CA		Jan 9, 2023
Rep. Kustoff, David [R-TN-8]	R · TN		Jan 9, 2023
Rep. LaHood, Darin [R-IL-16]	R · IL		Jan 9, 2023
Rep. Langworthy, Nicholas A. [R-NY-23]	R · NY		Jan 9, 2023

Cosponsor	Party / State	Role	Date Joined
Rep. Latta, Robert E. [R-OH-5]	R · OH		Jan 9, 2023
Rep. LaTurner, Jake [R-KS-2]	R · KS		Jan 9, 2023
Rep. Lesko, Debbie [R-AZ-8]	R · AZ		Jan 9, 2023
Rep. Letlow, Julia [R-LA-5]	R · LA		Jan 9, 2023
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Jan 9, 2023
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		Jan 9, 2023
Rep. Mace, Nancy [R-SC-1]	R · SC		Jan 9, 2023
Rep. Malliotakis, Nicole [R-NY-11]	R · NY		Jan 9, 2023
Rep. Mann, Tracey [R-KS-1]	R · KS		Jan 9, 2023
Rep. Mast, Brian J. [R-FL-21]	R · FL		Jan 9, 2023
Rep. McClain, Lisa C. [R-MI-9]	R · MI		Jan 9, 2023
Rep. McClintock, Tom [R-CA-5]	R · CA		Jan 9, 2023
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Jan 9, 2023
Rep. Meuser, Daniel [R-PA-9]	R · PA		Jan 9, 2023
Rep. Miller, Carol D. [R-WV-1]	R · WV		Jan 9, 2023
Rep. Miller, Mary E. [R-IL-15]	R · IL		Jan 9, 2023
Rep. Moolenaar, John R. [R-MI-2]	R · MI		Jan 9, 2023
Rep. Mooney, Alexander X. [R-WV-2]	R · WV		Jan 9, 2023
Rep. Moore, Barry [R-AL-2]	R · AL		Jan 9, 2023
Rep. Moore, Blake D. [R-UT-1]	R · UT		Jan 9, 2023
Rep. Murphy, Gregory F. [R-NC-3]	R · NC		Jan 9, 2023
Rep. Newhouse, Dan [R-WA-4]	R · WA		Jan 9, 2023
Rep. Palmer, Gary J. [R-AL-6]	R · AL		Jan 9, 2023
Rep. Pence, Greg [R-IN-6]	R · IN		Jan 9, 2023
Rep. Perry, Scott [R-PA-10]	R · PA		Jan 9, 2023
Rep. Pfluger, August [R-TX-11]	R · TX		Jan 9, 2023
Rep. Posey, Bill [R-FL-8]	R · FL		Jan 9, 2023
Rep. Reschenthaler, Guy [R-PA-14]	R · PA		Jan 9, 2023
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Jan 9, 2023
Rep. Rose, John W. [R-TN-6]	R · TN		Jan 9, 2023
Rep. Rosendale Sr., Matthew M. [R-MT-2]	R · MT		Jan 9, 2023
Rep. Rutherford, John H. [R-FL-5]	R · FL		Jan 9, 2023
Rep. Salazar, Maria Elvira [R-FL-27]	R · FL		Jan 9, 2023
Rep. Scalise, Steve [R-LA-1]	R · LA		Jan 9, 2023
Rep. Schweikert, David [R-AZ-1]	R · AZ		Jan 9, 2023
Rep. Scott, Austin [R-GA-8]	R · GA		Jan 9, 2023
Rep. Self, Keith [R-TX-3]	R · TX		Jan 9, 2023
Rep. Sessions, Pete [R-TX-17]	R · TX		Jan 9, 2023
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Jan 9, 2023
Rep. Smith, Adrian [R-NE-3]	R · NE		Jan 9, 2023
Rep. Smith, Christopher H. [R-NJ-4]	R · NJ		Jan 9, 2023
Rep. Smith, Jason [R-MO-8]	R · MO		Jan 9, 2023

Cosponsor	Party / State	Role	Date Joined
Rep. Smucker, Lloyd [R-PA-11]	R · PA		Jan 9, 2023
Rep. Spatz, Victoria [R-IN-5]	R · IN		Jan 9, 2023
Rep. Stauber, Pete [R-MN-8]	R · MN		Jan 9, 2023
Rep. Stefanik, Elise M. [R-NY-21]	R · NY		Jan 9, 2023
Rep. Steube, W. Gregory [R-FL-17]	R · FL		Jan 9, 2023
Rep. Strong, Dale W. [R-AL-5]	R · AL		Jan 9, 2023
Rep. Tenney, Claudia [R-NY-24]	R · NY		Jan 9, 2023
Rep. Thompson, Glenn [R-PA-15]	R · PA		Jan 9, 2023
Rep. Tiffany, Thomas P. [R-WI-7]	R · WI		Jan 9, 2023
Rep. Timmons, William R. IV [R-SC-4]	R · SC		Jan 9, 2023
Rep. Turner, Michael R. [R-OH-10]	R · OH		Jan 9, 2023
Rep. Valadao, David G. [R-CA-22]	R · CA		Jan 9, 2023
Rep. Van Drew, Jefferson [R-NJ-2]	R · NJ		Jan 9, 2023
Rep. Van Duyne, Beth [R-TX-24]	R · TX		Jan 9, 2023
Rep. Walberg, Tim [R-MI-5]	R · MI		Jan 9, 2023
Rep. Waltz, Michael [R-FL-6]	R · FL		Jan 9, 2023
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		Jan 9, 2023
Rep. Webster, Daniel [R-FL-11]	R · FL		Jan 9, 2023
Rep. Wenstrup, Brad R. [R-OH-2]	R · OH		Jan 9, 2023
Rep. Westerman, Bruce [R-AR-4]	R · AR		Jan 9, 2023
Rep. Williams, Roger [R-TX-25]	R · TX		Jan 9, 2023
Rep. Wilson, Joe [R-SC-2]	R · SC		Jan 9, 2023
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Jan 9, 2023
Rep. Womack, Steve [R-AR-3]	R · AR		Jan 9, 2023
Rep. Alford, Mark [R-MO-4]	R · MO		Jan 10, 2023
Rep. Burlison, Eric [R-MO-7]	R · MO		Jan 10, 2023
Rep. Franklin, C. Scott [R-FL-18]	R · FL		Jan 10, 2023
Rep. Granger, Kay [R-TX-12]	R · TX		Jan 10, 2023
Rep. Hagedorn, Harriet M. [R-WY-At Large]	R · WY		Jan 10, 2023
Rep. Hill, J. French [R-AR-2]	R · AR		Jan 10, 2023
Rep. Hunt, Wesley [R-TX-38]	R · TX		Jan 10, 2023
Rep. Kelly, Trent [R-MS-1]	R · MS		Jan 10, 2023
Rep. Luttrell, Morgan [R-TX-8]	R · TX		Jan 10, 2023
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Jan 10, 2023
Rep. Moran, Nathaniel [R-TX-1]	R · TX		Jan 10, 2023
Rep. Norman, Ralph [R-SC-5]	R · SC		Jan 10, 2023
Rep. Ogles, Andrew [R-TN-5]	R · TN		Jan 10, 2023
Rep. Owens, Burgess [R-UT-4]	R · UT		Jan 10, 2023
Rep. Rouzer, David [R-NC-7]	R · NC		Jan 10, 2023
Rep. Van Orden, Derrick [R-WI-3]	R · WI		Jan 10, 2023
Rep. Yakym, Rudy [R-IN-2]	R · IN		Jan 10, 2023

## Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Unknown	Jan 11, 2023

## Subjects & Policy Tags

### Policy Area:

Crime and Law Enforcement

## Related Bills

Bill	Relationship	Last Action
118 S 204	Related bill	Feb 1, 2023: Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR S205-206; text: CR S206)
118 HRES 5	Related bill	Jan 9, 2023: Motion to reconsider laid on the table Agreed to without objection.

## Summary (as of Jan 11, 2023)

### Born-Alive Abortion Survivors Protection Act

This bill establishes requirements for the degree of care a health care practitioner must provide in the case of a child born alive following an abortion or attempted abortion.

Specifically, a health care practitioner who is present must (1) exercise the same degree of care as would reasonably be provided to any other child born alive at the same gestational age, and (2) ensure the child is immediately admitted to a hospital. Additionally, a health care practitioner or other employee who has knowledge of a failure to comply with the degree-of-care requirements must immediately report such failure to law enforcement.

A health care practitioner who fails to provide the required degree of care, or a health care practitioner or other employee who fails to report such failure, is subject to criminal penalties—a fine, up to five years in prison, or both.

An individual who intentionally kills or attempts to kill a child born alive is subject to prosecution for murder.

The bill bars the criminal prosecution of a mother of a child born alive under this bill and allows her to bring a civil action against a health care practitioner or other employee for violations.

## Actions Timeline

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- **Jan 25, 2023:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 2.
- **Jan 23, 2023:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Jan 11, 2023:** Considered under the provisions of rule H. Res. 5. (consideration: CR H178-190)
- **Jan 11, 2023:** DEBATE - The House proceeded with one hour of debate on H.R. 26.
- **Jan 11, 2023:** The previous question was ordered pursuant to the rule.
- **Jan 11, 2023:** Ms. DeGette moved to recommit to the Committee on the Judiciary. (text: CR H187-190)
- **Jan 11, 2023:** The previous question on the motion to recommit was ordered pursuant to clause 2(b) of rule XIX.
- **Jan 11, 2023:** POSTPONED PROCEEDINGS - At the conclusion of debate on H.R. 26, the Chair put the question on passage of the motion to recommit and by voice vote, announced that the nays had prevailed. Ms. DeGette demanded the yeas and nays and the Chair postponed further proceedings until a time to be announced.
- **Jan 11, 2023:** Considered as unfinished business. (consideration: CR H190-191)
- **Jan 11, 2023:** On motion to recommit Failed by the Yeas and Nays: 212 - 219 (Roll no. 28).
- **Jan 11, 2023:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 220 - 210, 1 Present (Roll no. 29). (text: CR H178)
- **Jan 11, 2023:** On passage Passed by the Yeas and Nays: 220 - 210, 1 Present (Roll no. 29). (text: CR H178)
- **Jan 11, 2023:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 9, 2023:** Introduced in House
- **Jan 9, 2023:** Referred to the House Committee on the Judiciary.