

Protecting Pain-Capable Unborn Children from Late Term Abortions Act: Myth v. Fact

Sen. Lindsey O. Graham

Myth: *Dobbs* returned the issue of abortion to the states. Congress has no business passing a federal abortion law. **Fact: *Dobbs* returned the issue to the people’s elected representatives, in Congress and in state legislatures.**

From the majority opinion in *Dobbs*: “It is time to heed the Constitution and return the issue of abortion **to the people’s elected representatives.**” In his concurring opinion, Justice Kavanaugh noted that the issue of abortion “**will be resolved** by the people and their representatives in the democratic process **in the States or Congress.**”

Importantly, 46 Republican Senators are currently co-sponsors of S. 61, the 20 week pain capable bill. When it comes to the role of Congress in abortion legislation, the only thing that has changed since 46 Republican Senators agreed to support S. 61 is *Dobbs*, and *Dobbs* only strengthens the case, per the language quoted above, that Congress does have a role to play in legislating on abortion.

Further, the Democrats have already made their intentions clear: if they can gain enough more seats in the Senate, they will scrap the legislative filibuster to pass their radical abortion on demand until birth bill, overriding laws in dozens of red states, without stopping once to think about whether Congress has a role to play in abortion regulation. And since this is still an unsettled question of law, there is no guarantee that the Supreme Court would strike down the Democrat bill if it passed. **Pro-life Republicans have a duty to respond** to the radical Democrat agenda – this bill is an alternative that can be supported by the majority of Americans who do not want to see more late-term abortions of children who can experience pain.

Myth: this bill is dividing pro-life Republicans. **Fact: this bill has broad support from the pro-life movement.**

This bill is supported by Susan B. Anthony Pro-Life America, National Right to Life, Family Research Council, March for Life, Concerned Women for America and many more pro-life groups. **Pro-life Republicans and their supporters still have the same goal – to protect as many unborn children as possible**, and this bill would protect tens of thousands of unborn children from late-term abortions every year. On the same day the Senate bill was introduced, Representative Chris Smith (R-NJ) introduced a companion bill that has **85 House Republicans in support.**

Myth: my boss can’t support this bill because our state has a 6 week bill or life at conception bill on the books. **Fact: this bill does not impact state level laws that are more protective of life.**

This bill would create a federal ceiling and gives room for states to legislate as well. States can pass and enforce additional protections for unborn children from conception until 15 weeks. While not impacting states that are strongly pro-life, a federal ceiling like the one in this bill would protect unborn life in states like California and New York.

Myth: this bill is going to be unpopular and a drag on candidates in competitive races. **Fact: Americans strongly support limitations on abortion after 15 weeks.**

[72% of voters would limit abortions after 15 weeks](#), including 75% of women, 69% of men, 70% of Independents and 60% of Democrats. Several polls on the subject are highly misleading. For example, *Politico* cited a [WSJ poll](#) on Tuesday that shows 57% opposition to a ban at 15 weeks. But, that question also included only an exception for the health of the mother. That's comparing apples with oranges; this bill has exceptions for the life of the mother, for rape and for incest.

Further, this bill highlights the extreme position taken by nearly all Senate Democrats. **Only 10% of Americans support an abortion on demand until birth regime.** Because most mainstream outlets have a pro-abortion outlook, Democrats are being given a free pass on their extreme position. This helps Republicans define the conversation and provide a reasonable, popular, and highly sympathetic alternative to the radical Democratic abortion agenda.