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S. RES. 133

Expressing the sense of the Senate that Congress and the States should investigate and correct abusive, unsanitary, and illegal abortion practices.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2013

Mr. LEE (for himself, Mr. TOOMEY, Mr. RUBIO, Mr. SCOTT, Mr. CRUZ, Mr. INHOFE, Mr. BURR, Mr. VITTER, Mr. BOOZMAN, Mr. BLUNT, Mrs. FISCHER, Mr. THUNE, Mr. JOHANNS, Mr. PAUL, Mr. MCCONNELL, Mr. COATS, Mr. CORNYN, Mr. COCHRAN, Mr. CHAMBLISS, Ms. AYOTTE, Mr. ISAKSON, and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

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RESOLUTION

Expressing the sense of the Senate that Congress and the States should investigate and correct abusive, unsanitary, and illegal abortion practices.

Whereas the Declaration of Independence sets forth the principle that all people are created equal and are endowed by their Creator with certain unalienable rights, and that among these rights are life, liberty, and the pursuit of happiness;

Whereas the dedication of the people of the United States to this principle, though at times tragically marred by institutions such as slavery and practices such as segregation and the denial of the right to vote, has summoned the

people of the United States time and again to fight for human dignity and the common good;

Whereas the people of the United States believe that every human life is precious from its very beginning, and that every individual, regardless of age, health, or condition of dependency, deserves the respect and protection of society;

Whereas the people of the United States believe that early and consistent care for mothers, with due regard both for the well-being of expectant mothers and for the children they carry, is a primary goal of any sound health care policy in the United States;

Whereas no woman should ever be abandoned, by policy or practice, to the depredations of an unlicensed, unregulated, or uninspected clinic operating outside of the law with no regard for the mothers or children ostensibly under its care;

Whereas the Report of the Grand Jury in the Court of Common Pleas of the First Judicial District of Pennsylvania, certified on January 14, 2011, contains the results of a thorough investigation of the policies and practices of Dr. Kermit Gosnell and the Women's Medical Society of Philadelphia, which found multiple violations of law and public policy relating to abortion clinics, and recommended to the Pennsylvania Department of Health that these abortion clinics ''be explicitly regulated as ambulatory surgical facilities, so that they are inspected annually and held to the same standards as all other outpatient procedure centers'';

Whereas the Report of the Grand Jury documented a pattern, over a period of 2 decades, at the Women's Medical

Society of Philadelphia of untrained and uncertified personnel performing abortions, non-medical personnel administering medications, grossly unsanitary and dangerous conditions, violations of law regarding storage of human remains, and, above all, instances of willful murder of infants born alive by severing their spinal cords;

Whereas the violations of law and human dignity documented at the Women's Medical Society of Philadelphia involved women referred to the facility by abortion facilities in a number of surrounding States, including Virginia, Maryland, North Carolina, and Delaware;

Whereas abortion clinics in a number of States, particularly Michigan and Maryland, and including 2 clinics at which Dr. Kermit Gosnell performed or initiated abortions and 2 Planned Parenthood facilities in Delaware, have been closed temporarily or permanently due to unsanitary conditions, and the Planned Parenthood facilities in Delaware have been described by former employees as resembling a ''meat market'';

Whereas the imposition of criminal and civil penalties on individuals and corporations involved in the deplorable practices described in this preamble is appropriate, but is not the only necessary response to such practices;

Whereas it is essential that the Federal Government and State and local governments take action to prevent dangerous conditions at abortion clinics;

Whereas government accountability means that officials whose duty it is to protect the safety and well-being of mothers accessing health care clinics must have their actions made public and their failures redressed;

Whereas the extent of, and purported justification for, legal and illegal abortions in the United States performed late in the second trimester of pregnancy and into and throughout the third trimester of pregnancy are not routinely reported by all States or by the Centers for Disease Control, and are therefore unknown;

Whereas women and children in the United States deserve better than the 56,145,920 abortions that have been performed in the United States since the Supreme Court rulings in Roe v. Wade, 410 U.S. 113, and Doe v. Bolton, 410 U.S. 179, in 1973; and

Whereas there is substantial medical evidence that an unborn child is capable of experiencing pain at 20 weeks after fertilization, or earlier: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress and States should gather information about and correct—

(A) abusive, unsanitary, and illegal abortion practices; and

(B) the interstate referral of women and girls to facilities engaged in dangerous or illegal second- and third-trimester procedures;

(2) Congress has the responsibility to—

(A) investigate and conduct hearings on—

(i) abortions performed near, at, or after viability in the United States; and

(ii) public policies regarding such abortions; and

(B) evaluate the extent to which such abortions involve violations of the natural right to life of infants who are born alive or are capable of being born alive, and therefore are entitled to equal protection under the law;

(3) there is a compelling governmental interest in protecting the lives of unborn children beginning at least from the stage at which substantial medical evidence indicates that they are capable of feeling pain, which is separate from and independent of the compelling governmental interest in protecting the lives of unborn children beginning at the stage of viability, and neither governmental interest is intended to replace the other; and

(4) governmental review of public policies and outcomes relating to the issues described in paragraphs (1) through (4) is long overdue and is an urgent priority that must be addressed for the sake of women, children, families, and future generations.

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