

January 21, 2025

RE: Vote NO on S.6/H.R. 21, the “Born-Alive Abortion Survivors Protection Act”

Dear Representative,

On behalf of the American Civil Liberties Union (ACLU), **we urge you to vote NO on S.6/H.R. 21, the Born-Alive Abortion Survivors Protection Act.** This bill is a deliberately misleading anti-abortion bill which would target abortion providers and interfere with safe and essential health care.



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S.6/H.R. 21 would alter the Born-Alive Infants Protection Act, a law passed in 2002 with bipartisan support which made a change to the United States Code’s definitions of “individual”, “person”, “human being” and “child” that was not intended to alter medical practice or restrict abortion.¹ S.6/H.R. 21 would go much further than existing law, inappropriately inserting politicians into the practice of medicine, and is aimed directly at providers of safe, legal abortion.

This bill imposes a rigid set of requirements on health care providers that entirely disregards providers’ professional training and judgment, as well as patient preferences and established medical standards. Such political intrusion is inappropriate and harmful. One provision is so vaguely worded that it is unclear what it actually requires of providers—and yet, these requirements are coupled with the threat of serious criminal penalties, including up to five years in prison, for those who do not comply.

So-called “born alive” bills like S.6/H.R. 21 make up a problem that doesn’t exist – doctors are already required to provide appropriate medical care by law and to follow ethical guidelines. The real aims of this bill are clear: to target abortion providers by applying harsh penalties and uncertain standards to cut off access to necessary care, and to distort public perception of compassionate abortion care by suggesting that doctors do not provide high quality care to their patients. This misrepresentation is nothing more than an attempt to intimidate patients and scare away those seeking safe and essential health care.

With these bills, politicians are threatening parents’ ability to decide the type of compassionate care that is best for their family and their faith, as we would allow them to do at any other point in their child’s life. If this bill becomes law, doctors

¹ See, e.g. 148 Cong. Rec. 27, H787 (Mar. 12, 2002) <https://www.gpo.gov/fdsys/pkg/CREC-2002-0312/pdf/CREC-2002-03-12-house.pdf> (During floor debate on the bill, Rep. Nadler said, “I am pleased that the majority has made a serious effort in this draft of the bill to make clear that this bill has nothing to do with matters related to abortion.” Rep. Cliff Stearns said, “For those who exclaim this is an ‘assault’ on Roe v. Wade, this bill does not touch Roe v. Wade”).

would be forced to ignore their best medical judgment and administer futile treatment against the wishes of the family, under the threat of criminal or civil litigation, and it would cause additional pain and suffering to families whose infant has severe health conditions and only hours or days to life.

S.6/H.R. 21 would substitute a physician's best judgment with that of politicians, interfering with physicians' ability to provide appropriate, compassionate, evidence-based care. It must be rejected.

For the above reasons, we urge you to vote NO on S.6/H.R. 21.

Sincerely,

A handwritten signature in black ink, appearing to read "Madison Roberts". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping underline.

Madison Roberts
Senior Policy Counsel