

S.311 — 116th Congress (2019-2020)

Introduced in Senate (01/31/2019)

Born-Alive Abortion Survivors Protection Act

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

A health care practitioner who is present must (1) exercise the same degree of care as reasonably provided to another child born alive at the same gestational age, and (2) immediately admit the child to a hospital. The bill also requires a health care practitioner or other employee to immediately report any failure to comply with this requirement to law enforcement.

A person who violates the requirements is subject to criminal penalties—a fine, up to five years in prison, or both.

Additionally, 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 for conspiracy to violate these provisions, for being an accessory after the fact, or for concealment of felony.

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

Roll Call Vote 116th Congress - 2nd Session

Vote Summary

Question: On the Cloture Motion (Motion to Invoke Cloture: Motion to Proceed to S. 311)

Vote Number: 58

Vote Date: February 25, 2020, 04:06 PM

Required For Majority: 3/5

Vote Result: Cloture Motion Rejected

Measure Number: [S. 311](#) (Born-Alive Abortion Survivors Protection Act)

Measure Title: A bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

Vote Counts:

YEAs56

NAYs

41

Not Voting

3

*Information compiled through Senate LIS by the Senate bill clerk under the direction of the secretary of the Senate

Grouped By Vote Position

YEAs ---56

Alexander (R-TN)
Barrasso (R-WY)
Blackburn (R-TN)
Blunt (R-MO)
Boozman (R-AR)
Braun (R-IN)
Burr (R-NC)
Capito (R-WV)
Casey (D-PA)
Cassidy (R-LA)
Collins (R-ME)
Cornyn (R-TX)
Cotton (R-AR)
Cramer (R-ND)
Crapo (R-ID)
Cruz (R-TX)
Daines (R-MT)
Enzi (R-WY)
Ernst (R-IA)
Fischer (R-NE)
Gardner (R-CO)
Graham (R-SC)
Grassley (R-IA)
Hawley (R-MO)
Hoeven (R-ND)
Hyde-Smith (R-MS)
Inhofe (R-OK)
Johnson (R-WI)
Jones (D-AL)
Kennedy (R-LA)
Lankford (R-OK)
Lee (R-UT)
Loeffler (R-GA)
Manchin (D-WV)
McConnell (R-KY)
McSally (R-AZ)
Moran (R-KS)
Murkowski (R-AK)
Paul (R-KY)
Perdue (R-GA)
Portman (R-OH)
Risch (R-ID)
Roberts (R-KS)
Romney (R-UT)

Rounds (R-SD)
Rubio (R-FL)
Sasse (R-NE)
Scott (R-FL)
Scott (R-SC)
Shelby (R-AL)
Sullivan (R-AK)
Thune (R-SD)
Tillis (R-NC)
Toomey (R-PA)
Wicker (R-MS)
Young (R-IN)

NAYs ---41

Baldwin (D-WI)
Bennet (D-CO)
Blumenthal (D-CT)
Booker (D-NJ)
Brown (D-OH)
Cantwell (D-WA)
Cardin (D-MD)
Carper (D-DE)
Coons (D-DE)
Cortez Masto (D-NV)
Duckworth (D-IL)
Durbin (D-IL)
Feinstein (D-CA)
Gillibrand (D-NY)
Harris (D-CA)
Hassan (D-NH)
Heinrich (D-NM)
Hirono (D-HI)
Kaine (D-VA)
King (I-ME)
Leahy (D-VT)
Markey (D-MA)
Menendez (D-NJ)
Merkley (D-OR)
Murphy (D-CT)
Murray (D-WA)
Peters (D-MI)
Reed (D-RI)
Rosen (D-NV)
Schatz (D-HI)
Schumer (D-NY)
Shaheen (D-NH)
Sinema (D-AZ)

Smith (D-MN)
Stabenow (D-MI)
Tester (D-MT)
Udall (D-NM)
Van Hollen (D-MD)
Warner (D-VA)
Whitehouse (D-RI)
Wyden (D-OR)

Not Voting - 3

Klobuchar (D-MN)
Sanders (I-VT)
Warren (D-MA)

SOURCES:

<https://www.congress.gov/bill/116th-congress/senate-bill/311>

https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=116&session=2&vote=00058