

106TH CONGRESS  
2D SESSION

# H. R. 3660

To amend title 18, United States Code, to ban partial-birth abortions.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2000

Mr. CANADY of Florida (for himself, Mr. SHERWOOD, Mr. SMITH of New Jersey, Mr. TAYLOR of North Carolina, Mr. SPENCE, Mr. HYDE, Mr. TIAHRT, Mr. JOHN, Mr. COBURN, Mr. ISTOOK, Mr. BEREUTER, Mr. PITTS, Mr. BARCIA, Mr. GOSS, Mr. NEY, Mr. BLILEY, Mr. SHOWS, Mr. WICKER, Mr. HOEKSTRA, Mr. CHABOT, Mr. BACHUS, Mr. BURTON of Indiana, Mr. DELAY, Mr. PACKARD, Mr. EVERETT, Mr. PICKERING, Mr. TANNER, Mr. HILLEARY, Mr. RAHALL, Mr. SOUDER, Mr. WELDON of Florida, Mr. GREEN of Wisconsin, Mr. ARMEY, Mr. GRAHAM, Mr. STUMP, Mr. MCCRERY, Mr. FLETCHER, Mr. DEMINT, Mr. SHADEGG, Mr. TALENT, Mr. JENKINS, Mr. HOSTETTLER, Mr. HILL of Montana, Mr. KING, Mr. FRANKS of New Jersey, Mr. MCINTOSH, Mr. POMBO, Mr. HUNTER, Mr. ENGLISH, Mr. WELLER, Mr. BUYER, Mr. MASCARA, Mr. BARTON of Texas, Mr. ROEMER, Mr. BALLENGER, Mrs. EMERSON, Mr. BRADY of Texas, Mr. LUCAS of Oklahoma, Mr. HANSEN, Mr. GOODE, Mr. MANZULLO, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. CAMP, Mr. SKELTON, Mr. HASTINGS of Washington, Mr. STUPAK, Mr. PHELPS, Mr. EHLERS, Mr. PORTMAN, Mr. TANCREDO, Mrs. MYRICK, Mr. DOOLITTLE, Mr. LARGENT, Mr. DOYLE, Mr. VITTER, Mrs. FOWLER, Mr. COLLINS, Mr. CRANE, Mrs. NORTHUP, Mr. BLUNT, and Mr. ADERHOLT) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to ban partial-birth abortions.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Partial-Birth Abortion  
 5 Ban Act of 2000”.

6 **SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.**

7 (a) IN GENERAL.—Title 18, United States Code, is  
 8 amended by inserting after chapter 73 the following:

9 **“CHAPTER 74—PARTIAL-BIRTH ABORTIONS**

“Sec.

“1531. Partial-birth abortions prohibited.

10 **“§ 1531. Partial-birth abortions prohibited**

11 “(a) Any physician who, in or affecting interstate or  
 12 foreign commerce, knowingly performs a partial-birth  
 13 abortion and thereby kills a human fetus shall be fined  
 14 under this title or imprisoned not more than two years,  
 15 or both. This paragraph shall not apply to a partial-birth  
 16 abortion that is necessary to save the life of a mother  
 17 whose life is endangered by a physical disorder, illness,  
 18 or injury. This paragraph shall become effective one day  
 19 after enactment.

20 “(b)(1) As used in this section, the term ‘partial-birth  
 21 abortion’ means an abortion in which the person per-  
 22 forming the abortion deliberately and intentionally—

23 “(A) vaginally delivers some portion of an in-  
 24 tact living fetus until the fetus is partially outside

1 the body of the mother, for the purpose of per-  
2 forming an overt act that the person knows will kill  
3 the fetus while the fetus is partially outside the body  
4 of the mother; and

5 “(B) performs the overt act that kills the fetus  
6 while the intact living fetus is partially outside the  
7 body of the mother.

8 “(2) As used in this section, the term ‘physician’  
9 means a doctor of medicine or osteopathy legally author-  
10 ized to practice medicine and surgery by the State in  
11 which the doctor performs such activity, or any other indi-  
12 vidual legally authorized by the State to perform abor-  
13 tions: *Provided, however,* That any individual who is not  
14 a physician or not otherwise legally authorized by the  
15 State to perform abortions, but who nevertheless directly  
16 performs a partial-birth abortion, shall be subject to the  
17 provisions of this section.

18 “(c)(1) The father, if married to the mother at the  
19 time she receives a partial-birth abortion procedure, and  
20 if the mother has not attained the age of 18 years at the  
21 time of the abortion, the maternal grandparents of the  
22 fetus, may in a civil action obtain appropriate relief, unless  
23 the pregnancy resulted from the plaintiff’s criminal con-  
24 duct or the plaintiff consented to the abortion.

25 “(2) Such relief shall include—

1           “(A) money damages for all injuries, psycho-  
2           logical and physical, occasioned by the violation of  
3           this section; and

4           “(B) statutory damages equal to three times  
5           the cost of the partial-birth abortion.

6           “(d)(1) A defendant accused of an offense under this  
7           section may seek a hearing before the State Medical Board  
8           on whether the physician’s conduct was necessary to save  
9           the life of the mother whose life was endangered by a  
10          physical disorder, illness or injury.

11          “(2) The findings on that issue are admissible on that  
12          issue at the trial of the defendant. Upon a motion of the  
13          defendant, the court shall delay the beginning of the trial  
14          for not more than 30 days to permit such a hearing to  
15          take place.

16          “(e) A woman upon whom a partial-birth abortion is  
17          performed may not be prosecuted under this section, for  
18          a conspiracy to violate this section, or for an offense under  
19          section 2, 3, or 4 of this title based on a violation of this  
20          section.”.

21          (b) CLERICAL AMENDMENT.—The table of chapters  
22          for part I of title 18, United States Code, is amended by  
23          inserting after the item relating to chapter 73 the fol-  
24          lowing new item:

**“74. Partial-birth abortions ..... 1531”.**