

106TH CONGRESS
2D SESSION

S. 1692

AMENDMENT

In the House of Representatives, U. S.,

May 25, 2000.

Resolved, That the bill from the Senate (S. 1692) entitled “An Act to amend title 18, United States Code, to ban partial-birth abortions”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Partial-Birth Abortion*
3 *Ban Act of 2000”.*

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

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

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

“Sec.
“1531. Partial-birth abortions prohibited.

8 ***“§ 1531. Partial-birth abortions prohibited***

9 *“(a) Any physician who, in or affecting interstate or*
10 *foreign commerce, knowingly performs a partial-birth abor-*
11 *tion and thereby kills a human fetus shall be fined under*
12 *this title or imprisoned not more than 2 years, or both. This*
13 *paragraph shall not apply to a partial-birth abortion that*
14 *is necessary to save the life of a mother whose life is endan-*

1 *gered by a physical disorder, illness, or injury. This para-*
 2 *graph shall become effective 1 day after the enactment.*

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

6 “(A) *vaginally delivers some portion of an intact*
 7 *living fetus until the fetus is partially outside the*
 8 *body of the mother, for the purpose of performing an*
 9 *overt act that the person knows will kill the fetus*
 10 *while the fetus is partially outside the body of the*
 11 *mother; and*

12 “(B) *performs the overt act that kills the fetus*
 13 *while the intact living fetus is partially outside the*
 14 *body of the mother.*

15 “(2) *As used in this section, the term ‘physician’*
 16 *means a doctor of medicine or osteopathy legally authorized*
 17 *to practice medicine and surgery by the State in which the*
 18 *doctor performs such activity, or any other individual le-*
 19 *gally authorized by the State to perform abortions: Pro-*
 20 *vided, however, That any individual who is not a physician*
 21 *or not otherwise legally authorized by the State to perform*
 22 *abortions, but who nevertheless directly performs a partial-*
 23 *birth abortion, shall be subject to the provisions of this sec-*
 24 *tion.*

1 “(c)(1) *The father, if married to the mother at the time*
 2 *she receives a partial-birth abortion procedure, and if the*
 3 *mother has not attained the age of 18 years at the time*
 4 *of the abortion, the maternal grandparents of the fetus, may*
 5 *in a civil action obtain appropriate relief, unless the preg-*
 6 *nancy resulted from the plaintiff’s criminal conduct or the*
 7 *plaintiff consented to the abortion.*

8 “(2) *Such relief shall include—*

9 “(A) *money damages for all injuries, psycho-*
 10 *logical and physical, occasioned by the violation of*
 11 *this section; and*

12 “(B) *statutory damages equal to three times the*
 13 *cost of the partial-birth abortion.*

14 “(d)(1) *A defendant accused of an offense under this*
 15 *section may seek a hearing before the State Medical Board*
 16 *on whether the physician’s conduct was necessary to save*
 17 *the life of the mother whose life was endangered by a phys-*
 18 *ical disorder, illness or injury.*

19 “(2) *The findings on that issue are admissible on that*
 20 *issue at the trial of the defendant. Upon a motion of the*
 21 *defendant, the court shall delay the beginning of the trial*
 22 *for not more than 30 days to permit such a hearing to take*
 23 *place.*

24 “(e) *A woman upon whom a partial-birth abortion is*
 25 *performed may not be prosecuted under this section, for a*

1 *conspiracy to violate this section, or for an offense under*
 2 *section 2, 3, or 4 of this title based on a violation of this*
 3 *section.”.*

4 **(b) CLERICAL AMENDMENT.**—*The table of chapters for*
 5 *part I of title 18, United States Code, is amended by insert-*
 6 *ing after the item relating to chapter 73 the following new*
 7 *item:*

“74. Partial-birth abortions 1531”.

Attest:

Clerk.