

Calendar No. 581

106TH CONGRESS
2D SESSION

H. R. 3660

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2000

Recieved

MAY 25, 2000

Read twice and placed on the calendar

AN ACT

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,*

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
11 abortion and thereby kills a human fetus shall be fined
12 under this title or imprisoned not more than 2 years, or
13 both. This paragraph shall not apply to a partial-birth
14 abortion that is necessary to save the life of a mother
15 whose life is endangered by a physical disorder, illness,
16 or injury. This paragraph shall become effective 1 day
17 after the enactment.

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

21 “(A) vaginally delivers some portion of an in-
22 tact living fetus until the fetus is partially outside
23 the body of the mother, for the purpose of per-
24 forming an overt act that the person knows will kill

1 the fetus while the fetus is partially outside the body
2 of the mother; and

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

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

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

23 “(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

- 1 inserting after the item relating to chapter 73 the fol-
- 2 lowing new item:

“74. Partial-birth abortions 1531”.

Passed the House of Representatives April 5, 2000.

Attest: **JEFF TRANDAH**,
Clerk.

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