

Union Calendar No. 15

105TH CONGRESS
1ST Session

H. R. 929

[Report No. 105-24]

A BILL

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

MARCH 14, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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[Report No. 105-24]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1997

Mr. CANADY of Florida (for himself, Mr. HALL of Ohio, Mr. HYDE, Mrs. MYRICK, Mr. SMITH of New Jersey, Mr. COBURN, Mrs. EMERSON, Mr. ARMEY, Mr. DELAY, Mr. OBERSTAR, Mr. WELDON of Florida, Mr. WATTS of Oklahoma, Mrs. CUBIN, Mr. DEAL of Georgia, Mrs. SMITH of Washington, Mr. DOYLE, Mr. DOOLITTLE, Mr. MASCARA, Mr. HOSTETTLER, Mr. HULSHOF, Mrs. NORTHUP, Mr. BARCIA, Mr. DAVIS of Virginia, Mr. HOLDEN, Mr. MCCRERY, Mr. SHIMKUS, Mr. KLINK, Mrs. CHENOWETH, Mr. SKELTON, Ms. DANNER, Mr. HAYWORTH, Mr. KNOLLENBERG, Mr. HILLEARY, Mr. CUNNINGHAM, Mr. BRYANT, Mr. BARTLETT of Maryland, Mr. HERGER, Mr. CRANE, Mr. DICKEY, Mr. BURTON of Indiana, Mr. HEFLEY, Mr. CHRISTENSEN, Mr. UNDERWOOD, Mr. CHABOT, Mr. GOODLATTE, Mr. HUNTER, Mr. BALLENGER, Mr. PAPPAS, Mr. KING, Mr. ROEMER, Mr. BACHUS, Mr. BLILEY, Mr. CANNON, Mr. LAHOOD, Mr. PORTMAN, Mr. SMITH of Texas, Mr. HUTCHINSON, Mr. PITTS, Mr. FORBES, Mr. CRAPO, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. STEARNS, Mr. ENSIGN, Mr. WALSH, Mr. BUNNING, Mr. GANSKE, Mr. HILL, Mr. ENGLISH of Pennsylvania, Mr. QUINN, Mr. DIAZ-BALART, Mr. THORNBERRY, Mr. PETERSON of Minnesota, Mr. CALLAHAN, Mr. STUMP, Mr. MICA, Mr. LATHAM, Mr. MCCOLLUM, Mr. BEREUTER, Mr. TALENT, Mr. PACKARD, Mr. CAMP, Mr. BARR of Georgia, Mr. NORWOOD, Mr. MANZULLO, Mr. MCINTOSH, Mr. BUYER, Mr. LEWIS of Kentucky, Mr. TIAHRT, Mr. POSHARD, Mr. MURTHA, Mr. KILDEE, Mr. JOHN, Mr. KANJORSKI, Mr. TAYLOR of Mississippi, Mr. BAKER, Mr. HOEKSTRA, Mr. SOUDER, Mr. BARRETT of Nebraska, Mr. SOLOMON, Mr. WICKER, Mr. RYUN, Mr. SAM JOHNSON of Texas, Mr. PARKER, Mr. COBLE, Mr. BONO, Mr. INGLIS of South Carolina, Mr. TAYLOR of North Carolina, Mr. BOEHNER, Mr. ISTOOK, Mr. WATKINS, Mr. SCHIFF, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. HANSEN, Mr. BARTON of Texas, Mr. HASTINGS of Washington, Mr. JONES,

Mr. STENHOLM, Mr. BURR of North Carolina, Mr. GRAHAM, Mr. WAMP, Mr. LINDER, Mr. JENKINS, Mr. GUTKNECHT, Mr. GOODLING, Mr. PETRI, Mr. NEY, Mr. SANFORD, Mr. LARGENT, Mr. STUPAK, Mr. HASTERT, Mr. NUSSLE, Mr. WELDON of Pennsylvania, Mr. ROGERS, Mr. SALMON, Mr. POMBO, Mr. CHAMBLISS, Mr. SHADEGG, Mr. ORTIZ, Mr. ADERHOLT, Mr. GALLEGLY, Mr. SMITH of Oregon, Mr. LIVINGSTON, Mr. EVERETT, Mr. SKEEN, Mr. ARCHER, Mr. SUNUNU, Mr. METCALF, Mr. OXLEY, Mr. PAXON, Mr. BLUNT, Mr. PICKERING, Mr. SHUSTER, Mr. GILLMOR, Mr. SPENCE, Mr. KASICH, Mr. NEUMANN, Mr. BOB SCHAFER of Colorado, Mr. MOLLOHAN, Mr. EHLERS, Mr. GOODE, Mr. PEASE, Mr. COMBEST, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on the Judiciary

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Additional sponsors: Mr. GOSS, Mr. WOLF, Mr. SENSENBRENNER, Mr. RILEY, Mr. BILIRAKIS, Mr. KINGSTON, Mr. LIPINSKI, Mrs. FOWLER, Ms. ROSLEHTINEN, Mr. SNOWBARGER, Mr. RADANOVICH, Mr. TAUZIN, Mr. MORAN of Kansas, Mr. CALVERT, Mr. LATOURETTE, Mr. CLEMENT, and Mr. SCARBOROUGH

MARCH 14, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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 1997~~”.

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:

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

“Sec.

“1531 Partial-birth abortions prohibited.

2 **“§ 1531 Partial-birth abortions prohibited**

3 “(a) Whoever, in or affecting interstate or foreign
4 commerce, knowingly performs a partial-birth abortion
5 and thereby kills a human fetus or infant shall be fined
6 under this title or imprisoned not more than two years,
7 or both.

8 “(b) Subsection (a) does not apply to a partial-birth
9 abortion that is necessary to save the life of a mother be-
10 cause her life is endangered by a physical disorder, phys-
11 ical injury, or physical illness, including a life-endangering
12 physical condition caused by or arising from the pregnancy
13 itself, if no other medical procedure would suffice for that
14 purpose.

15 “(c) As used in this section—

16 “(1) the term ‘partial-birth abortion’ means an
17 abortion in which the person performing the abor-
18 tion partially vaginally delivers a living fetus before
19 killing the infant and completing the delivery; and

20 “(2) the terms ‘fetus’ and ‘infant’ are inter-
21 changeable.

22 “(d)(1) Unless the pregnancy resulted from the plain-
23 tiff’s criminal conduct or the plaintiff consented to the
24 abortion, the father, and if the mother has not attained

1 the age of 18 years at the time of the abortion, the mater-
 2 nal grandparents of the fetus or infant, may in a civil ac-
 3 tion obtain appropriate relief.

4 “(2) Such relief shall include—

5 “(A) money damages for all injuries, psycho-
 6 logical and physical, occasioned by the violation of
 7 this section; and

8 “(B) statutory damages equal to three times
 9 the cost of the partial-birth abortion;

10 even if the mother consented to the performance of an
 11 abortion.

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

17 (b) CLERICAL AMENDMENT.—The table of chapters
 18 for part I of title 18, United States Code, is amended by
 19 inserting after the item relating to chapter 73 the follow-
 20 ing new item:

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

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Partial-Birth Abortion*
 23 *Ban Act of 1997”.*

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

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

4 **“CHAPTER 74—PARTIAL-BIRTH**
5 **ABORTIONS**

“Sec.

“1531. *Partial-birth abortions prohibited.*

6 **“§ 1531. *Partial-birth abortions prohibited***

7 “(a) *Whoever, in or affecting interstate or foreign com-*
8 *merce, knowingly performs a partial-birth abortion and*
9 *thereby kills a human fetus or infant shall be fined under*
10 *this title or imprisoned not more than two years, or both.*

11 “(b) *Subsection (a) does not apply to a partial-birth*
12 *abortion that is necessary to save the life of a mother be-*
13 *cause her life is endangered by a physical disorder, physical*
14 *injury, or physical illness, including a life-endangering*
15 *physical condition caused by or arising from the pregnancy*
16 *itself, if no other medical procedure would suffice for that*
17 *purpose.*

18 “(c) *As used in this section—*

19 “(1) *the term ‘partial-birth abortion’ means an*
20 *abortion in which the person performing the abortion*
21 *partially vaginally delivers a living fetus before kill-*
22 *ing the infant and completing the delivery; and*

23 “(2) *the terms ‘fetus’ and ‘infant’ are inter-*
24 *changeable.*

1 “(d)(1) *Except as provided in paragraph (3), the fa-*
2 *ther, and if the mother has not attained the age of 18 years*
3 *at the time of the abortion, the maternal grandparents of*
4 *the fetus or infant, may in a civil action obtain appropriate*
5 *relief.*

6 “(2) *Such relief shall include—*

7 “(A) *money damages for all psychological inju-*
8 *ries occasioned by the violation of this section; and*

9 “(B) *statutory damages equal to three times the*
10 *cost of the partial-birth abortion;*

11 *even if the mother consented to the performance of an abor-*
12 *tion.*

13 “(3) *A civil action may not be commenced under this*
14 *section if—*

15 “(A) *the pregnancy resulted from the plaintiff’s*
16 *criminal conduct;*

17 “(B) *the plaintiff consented to the abortion; or*

18 “(C) *the plaintiff is a father who abandoned or*
19 *abused the mother.*

20 “(e) *A woman upon whom a partial-birth abortion is*
21 *performed may not be prosecuted under this section for a*
22 *conspiracy to violate this section, or an offense under sec-*
23 *tion 2, 3, or 4 of this title based on a violation of this sec-*
24 *tion.”.*

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

“74. *Partial-birth abortions* 1531”.