

105TH CONGRESS
1ST SESSION

H. R. 929

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

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:

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

 “Sec.

 “1531 Partial-birth abortions prohibited.

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

11 “(a) Whoever, in or affecting interstate or foreign
 12 commerce, knowingly performs a partial-birth abortion
 13 and thereby kills a human fetus or infant shall be fined
 14 under this title or imprisoned not more than two years,
 15 or both.

1 “(b) Subsection (a) does not apply to a partial-birth
2 abortion that is necessary to save the life of a mother be-
3 cause her life is endangered by a physical disorder, phys-
4 ical injury, or physical illness, including a life-endangering
5 physical condition caused by or arising from the pregnancy
6 itself, if no other medical procedure would suffice for that
7 purpose.

8 “(c) As used in this section—

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

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

15 “(d)(1) Unless the pregnancy resulted from the plain-
16 tiff’s criminal conduct or the plaintiff consented to the
17 abortion, the father, and if the mother has not attained
18 the age of 18 years at the time of the abortion, the mater-
19 nal grandparents of the fetus or infant, may in a civil ac-
20 tion obtain appropriate relief.

21 “(2) Such relief shall include—

22 “(A) money damages for all injuries, psycho-
23 logical and physical, occasioned by the violation of
24 this section; and

1 “(B) statutory damages equal to three times
2 the cost of the partial-birth abortion;
3 even if the mother consented to the performance of an
4 abortion.

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

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

“74. Partial-birth abortions 1531”.

