

Calendar No. 300

106TH CONGRESS
1ST SESSION

S. 1692

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 1999

Mr. SANTORUM (for himself, Mr. SMITH of New Hampshire, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. ENZI, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HUTCHINSON, Mr. KYL, Mr. MACK, Mr. McCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. THURMOND, Mr. WARNER, Mr. BENNETT, Mr. LOTT, Mr. ALLARD, Mr. BOND, Mr. BUNNING, Mr. COCHRAN, Mr. CRAPO, Mr. DOMENICI, Mr. FITZGERALD, Mr. GORTON, Mr. GRAMS, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. LUGAR, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SHELBY, Mr. THOMAS, Mr. VOINOVICH, and Mr. COVERDELL) introduced the following bill; which was read the first time

OCTOBER 6, 1999

Read the second time and placed on the calendar

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Partial-Birth Abortion
3 Ban Act of 1999”.

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 two years,
13 or 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 one day
17 after 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 partially vaginally delivers a living
21 fetus before killing the fetus and completing the delivery.

22 “(2) As used in this section, the term ‘physician’
23 means a doctor of medicine or osteopathy legally author-
24 ized to practice medicine and surgery by the State in

1 which the doctor performs such activity, or any other indi-
 2 vidual legally authorized by the State to perform abor-
 3 tions: *Provided, however,* That any individual who is not
 4 a physician or not otherwise legally authorized by the
 5 State to perform abortions, but who nevertheless directly
 6 performs a partial-birth abortion, shall be subject to the
 7 provisions of this section.

8 “(3) As used in this section, term ‘vaginally delivers
 9 a living fetus before killing the fetus’ means deliberately
 10 and intentionally delivers into the vagina a living fetus,
 11 or a substantial portion thereof, for the purpose of per-
 12 forming a procedure the physician knows will kill the
 13 fetus, and kills the fetus.

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

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

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

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

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

“74. Partial-birth abortions 1531”.

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