

106TH CONGRESS  
2D SESSION

**S. 1692**

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**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.*