

106TH CONGRESS
1ST SESSION

S. 1692

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,*

3 **SECTION 1. SHORT TITLE.**

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

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 ABORTIONS**

“Sec.

“1531. Partial-birth abortions prohibited.

5 **“§ 1531. Partial-birth abortions prohibited**

6 “(a) Any physician who, in or affecting interstate or
7 foreign commerce, knowingly performs a partial-birth
8 abortion and thereby kills a human fetus shall be fined
9 under this title or imprisoned not more than two years,
10 or both. This paragraph shall not apply to a partial-birth
11 abortion that is necessary to save the life of a mother
12 whose life is endangered by a physical disorder, illness,
13 or injury. This paragraph shall become effective one day
14 after enactment.

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

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

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

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

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 United States since the Supreme Court decision in
2 Roe v. Wade (410 U.S. 113 (1973));

3 (3) the 1973 Supreme Court decision in Roe v.
4 Wade established constitutionally based limits on the
5 power of States to restrict the right of a woman to
6 choose to terminate a pregnancy; and

7 (4) women should not be forced into illegal and
8 dangerous abortions as they often were prior to the
9 Roe v. Wade decision.

10 (b) SENSE OF CONGRESS.—It is the sense of the
11 Congress that—

12 (1) Roe v. Wade was an appropriate decision
13 and secures an important constitutional right; and

14 (2) such decision should not be overturned.

Passed the Senate October 21, 1999.

Attest:

Secretary.

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