

105TH CONGRESS  
1ST SESSION

# H. R. 1122

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1997

Mr. SOLOMON introduced the following bill; which was referred to the  
Committee on the Judiciary

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## 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.

1 **“§ 1531. Partial-birth abortions prohibited**

2       “(a) Any physician who, in or affecting interstate or  
3 foreign commerce, knowingly performs a partial-birth  
4 abortion and thereby kills a human fetus shall be fined  
5 under this title or imprisoned not more than two years,  
6 or both. This paragraph shall not apply to a partial-birth  
7 abortion that is necessary to save the life of a mother  
8 whose life is endangered by a physical disorder, illness,  
9 or injury: *Provided*, That no other medical procedure  
10 would suffice for that purpose. This paragraph shall be-  
11 come effective one day after enactment.

12       “(b)(1) As used in this section, the term ‘partial-birth  
13 abortion’ means an abortion in which the person perform-  
14 ing the abortion partially vaginally delivers a living fetus  
15 before killing the fetus and completing the delivery.

16       “(2) As used in this section, the term ‘physician’  
17 means a doctor of medicine or osteopathy legally author-  
18 ized to practice medicine and surgery by the State in  
19 which the doctor performs such activity, or any other indi-  
20 vidual legally authorized by the State to perform abor-  
21 tions: *Provided, however*, That any individual who is not  
22 a physician or not otherwise legally authorized by the  
23 State to perform abortions, but who nevertheless directly  
24 performs a partial-birth abortion, shall be subject to the  
25 provisions of this section.

1       “(c)(1) The father, if married to the mother at the  
 2 time she receives a partial-birth abortion procedure, and  
 3 if the mother has not attained the age of 18 years at the  
 4 time of the abortion, the maternal grandparents of the  
 5 fetus, may in a civil action obtain appropriate relief, unless  
 6 the pregnancy resulted from the plaintiff’s criminal con-  
 7 duct or the 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  
 13       the cost of the partial-birth abortion.

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

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

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

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