

Calendar No. 31

105TH CONGRESS
1ST SESSION

H. R. 1122

IN THE SENATE OF THE UNITED STATES

MARCH 20, 1997

Received and read the first time

MARCH 21, 1997

Read the second time and placed on the calendar

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Partial-Birth Abortion
3 Ban Act of 1997”.

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: *Provided*, That no other medical procedure
17 would suffice for that purpose. This paragraph shall be-
18 come effective one day after enactment.

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

23 “(2) As used in this section, the term ‘physician’
24 means a doctor of medicine or osteopathy legally author-

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

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

16 “(2) Such relief shall include—

17 “(A) money damages for all injuries, psycho-
18 logical and physical, occasioned by the violation of
19 this section; and

20 “(B) statutory damages equal to three times
21 the cost of the partial-birth abortion.

22 “(d) A woman upon whom a partial-birth abortion
23 is performed may not be prosecuted under this section,
24 for a conspiracy to violate this section, or for an offense

1 under section 2, 3, or 4 of this title based on a violation
2 of this section.”.

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

“74. Partial-birth abortions 1531”.

Passed the House of Representatives March 20,
1997.

Attest:

ROBIN H. CARLE,
Clerk.

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