

Union Calendar No. 341

105TH CONGRESS
2^D SESSION

H. R. 3682

[Report No. 105-605]

To amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Ms. ROS-LEHTINEN (for herself, Mr. BARCIA, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. HASTERT, Mr. DIAZ-BALART, Mr. CANADY of Florida, Mr. GOSS, Mr. STEARNS, Mr. MCCOLLUM, Mr. MICA, Mr. YOUNG of Florida, Mr. WELDON of Florida, Mr. GOODE, Mr. HALL of Texas, Mr. HEFNER, Mr. JOHN, Mr. MINGE, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. STENHOLM, Mr. BACHUS, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. BLILEY, Mr. BLUNT, Mr. BRYANT, Mr. BUNNING, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. CRANE, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Mr. ENSIGN, Mr. GOODLATTE, Mr. GOODLING, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HUNTER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. KING, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCRERY, Mr. MCDADE, Mr. MCINTOSH, Mr. MCKEON, Mr. MANZULLO, Mr. METCALF, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PAPPAS, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PORTMAN, Mr. QUINN, Mr. RYUN, Mr. DAN SCHAEFER of Colorado, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. TALENT, Mr. TIAHRT, Mr. THUNE, Mr. WALSH, Mr. WATTS of Oklahoma, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 25, 1998

Additional sponsors: Mr. BARTON of Texas, Mr. MCINTYRE, Mr. LOBIONDO, Mr. LATOURETTE, Mr. ADERHOLT, Mr. HAYWORTH, Mr. POMBO, Mr. FOSSELLA, Mr. COX of California, Mr. HILL, Mr. SALMON, Mr. WAMP, Mr. NEUMANN, Mr. PICKERING, Mr. HUTCHINSON, Mr. SHIMKUS, Mr. WICKER, Mr. JENKINS, Mr. SCARBOROUGH, Mr. REDMOND, Mr. WOLF, Mr. ROGAN, Mr. HILLEARY, Mr. CRAPO, Mr. BOB SCHAFFER of Colorado, Mr. BRADY, Mr. COOK, Mr. HEFLEY, Mr. PAXON, Mrs. NORTHUP, Mr. HALL of Ohio, Mr. MOLLOHAN, Mr. GRAHAM, Mr. PETRI, Mr. BERRY, Mr. COSTELLO, and Mr. RILEY

JUNE 25, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 1, 1998]

A BILL

To amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

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 “Child Custody Protec-*
 5 *tion Act”.*

6 **SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN**
 7 **LAWS RELATING TO ABORTION.**

8 *(a) IN GENERAL.—Title 18, United States Code, is*
 9 *amended by inserting after chapter 117 the following:*

1 **“CHAPTER 117A—TRANSPORTATION OF**
2 **MINORS TO AVOID CERTAIN LAWS RE-**
3 **LATING TO ABORTION**

“Sec.

“2401. *Transportation of minors to avoid certain laws relating to abortion.*

4 **“§2401. *Transportation of minors to avoid certain***
5 ***laws relating to abortion***

6 “(a) *OFFENSE.—*

7 “(1) *GENERALLY.—Except as provided in sub-*
8 *section (b), whoever knowingly transports an individ-*
9 *ual who has not attained the age of 18 years across*
10 *a State line, with the intent that such individual ob-*
11 *tain an abortion, and thereby in fact abridges the*
12 *right of a parent under a law, requiring parental in-*
13 *volvement in a minor’s abortion decision, of the State*
14 *where the individual resides, shall be fined under this*
15 *title or imprisoned not more than one year, or both.*

16 “(2) *DEFINITION.—For the purposes of this sub-*
17 *section, an abridgement of the right of a parent oc-*
18 *currs if an abortion is performed on the individual, in*
19 *a State other than the State where the individual re-*
20 *sides, without the parental consent or notification, or*
21 *the judicial authorization, that would have been re-*
22 *quired by that law had the abortion been performed*
23 *in the State where the individual resides.*

1 “(b) *EXCEPTIONS.*—(1) *The prohibition of subsection*
2 *(a) does not apply if the abortion was necessary to save*
3 *the life of the minor because her life was endangered by*
4 *a physical disorder, physical injury, or physical illness, in-*
5 *cluding a life endangering physical condition caused by or*
6 *arising from the pregnancy itself.*

7 “(2) *An individual transported in violation of this sec-*
8 *tion, and any parent of that individual, may not be pros-*
9 *ecuted or sued for a violation of this section, a conspiracy*
10 *to violate this section, or an offense under section 2 or 3*
11 *based on a violation of this section.*

12 “(c) *AFFIRMATIVE DEFENSE.*—*It is an affirmative de-*
13 *fense to a prosecution for an offense, or to a civil action,*
14 *based on a violation of this section that the defendant rea-*
15 *sonably believed, based on information the defendant ob-*
16 *tained directly from a parent of the individual or other*
17 *compelling facts, that before the individual obtained the*
18 *abortion, the parental consent or notification, or judicial*
19 *authorization took place that would have been required by*
20 *the law requiring parental involvement in a minor’s abor-*
21 *tion decision, had the abortion been performed in the State*
22 *where the individual resides.*

23 “(d) *CIVIL ACTION.*—*Any parent who suffers legal*
24 *harm from a violation of subsection (a) may obtain appro-*
25 *priate relief in a civil action.*

1 “(e) *DEFINITIONS.—For the purposes of this section—*

2 “(1) *a law requiring parental involvement in a*
3 *minor’s abortion decision is a law—*

4 “(A) *requiring, before an abortion is per-*
5 *formed on a minor, either—*

6 “(i) *the notification to, or consent of, a*
7 *parent of that minor; or*

8 “(ii) *proceedings in a State court; and*

9 “(B) *that does not provide as an alternative*
10 *to the requirements described in subparagraph*
11 *(A) notification to or consent of any person or*
12 *entity who is not described in that subpara-*
13 *graph;*

14 “(2) *the term ‘parent’ means—*

15 “(A) *a parent or guardian;*

16 “(B) *a legal custodian; or*

17 “(C) *a person standing in loco parentis who*
18 *has care and control of the minor, and with*
19 *whom the minor regularly resides;*

20 *who is designated by the law requiring parental in-*
21 *volvement in the minor’s abortion decision as a per-*
22 *son to whom notification, or from whom consent, is*
23 *required;*

24 “(3) *the term ‘minor’ means an individual who*
25 *is not older than the maximum age requiring paren-*

1 *tal notification or consent, or proceedings in a State*
2 *court, under the law requiring parental involvement*
3 *in a minor’s abortion decision; and*

4 *“(4) the term ‘State’ includes the District of Co-*
5 *lumbia and any commonwealth, possession, or other*
6 *territory of the United States.”.*

7 *(b) CLERICAL AMENDMENT.—The table of chapters for*
8 *part I of title 18, United States Code, is amended by insert-*
9 *ing after the item relating to chapter 117 the following new*
10 *item:*

“117A. Transportation of minors to avoid certain laws relating to
abortion 2401.”.

Union Calendar No. 341

105TH CONGRESS
2^D SESSION

H. R. 3682

[Report No. 105-605]

A BILL

To amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

JUNE 25, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed