

***In the House of Representatives, U. S.,***

*September 18, 2015.*

*Resolved*, That the bill from the Senate (S. 1603) entitled “An Act to actively recruit members of the Armed Forces who are separating from military service to serve as Customs and Border Protection Officers.”, 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 “Born-Alive Abortion*  
3 *Survivors Protection Act”.*

4 ***SEC. 2. FINDINGS.***

5 *Congress finds as follows:*

6 *(1) If an abortion results in the live birth of an*  
7 *infant, the infant is a legal person for all purposes*  
8 *under the laws of the United States, and entitled to*  
9 *all the protections of such laws.*

10 *(2) Any infant born alive after an abortion or*  
11 *within a hospital, clinic, or other facility has the*  
12 *same claim to the protection of the law that would*  
13 *arise for any newborn, or for any person who comes*  
14 *to a hospital, clinic, or other facility for screening*

1           *and treatment or otherwise becomes a patient within*  
 2           *its care.*

3   **SEC. 3. BORN-ALIVE INFANTS PROTECTION.**

4           *(a) REQUIREMENTS PERTAINING TO BORN-ALIVE*  
 5   *ABORTION SURVIVORS.—Chapter 74 of title 18, United*  
 6   *States Code, is amended by inserting after section 1531 the*  
 7   *following:*

8   **“§1532. Requirements pertaining to born-alive abor-**  
 9                           **tion survivors**

10           *“(a) REQUIREMENTS FOR HEALTH CARE PRACTI-*  
 11   *TIONERS.—In the case of an abortion or attempted abortion*  
 12   *that results in a child born alive (as defined in section 8*  
 13   *of title 1, United States Code (commonly known as the*  
 14   *‘Born-Alive Infants Protection Act’)):*

15                   *“(1) DEGREE OF CARE REQUIRED; IMMEDIATE*  
 16    *ADMISSION TO A HOSPITAL.—Any health care practi-*  
 17    *tioner present at the time the child is born alive*  
 18    *shall—*

19                           *“(A) exercise the same degree of professional*  
 20                   *skill, care, and diligence to preserve the life and*  
 21                   *health of the child as a reasonably diligent and*  
 22                   *conscientious health care practitioner would*  
 23                   *render to any other child born alive at the same*  
 24                   *gestational age; and*

1           “(B) following the exercise of skill, care, and  
2           diligence required under subparagraph (A), en-  
3           sure that the child born alive is immediately  
4           transported and admitted to a hospital.

5           “(2) MANDATORY REPORTING OF VIOLATIONS.—  
6           A health care practitioner or any employee of a hos-  
7           pital, a physician’s office, or an abortion clinic who  
8           has knowledge of a failure to comply with the require-  
9           ments of paragraph (1) shall immediately report the  
10          failure to an appropriate State or Federal law en-  
11          forcement agency, or to both.

12          “(b) PENALTIES.—

13           “(1) IN GENERAL.—Whoever violates subsection  
14          (a) shall be fined under this title or imprisoned for  
15          not more than 5 years, or both.

16           “(2) INTENTIONAL KILLING OF CHILD BORN  
17          ALIVE.—Whoever intentionally performs or attempts  
18          to perform an overt act that kills a child born alive  
19          described under subsection (a), shall be punished as  
20          under section 1111 of this title for intentionally kill-  
21          ing or attempting to kill a human being.

22          “(c) BAR TO PROSECUTION.—The mother of a child  
23          born alive described under subsection (a) may not be pros-  
24          ecuted under this section, for conspiracy to violate this sec-

1 *tion, or for an offense under section 3 or 4 of this title based*  
 2 *on such a violation.*

3 “(d) *CIVIL REMEDIES.*—

4 “(1) *CIVIL ACTION BY A WOMAN ON WHOM AN*  
 5 *ABORTION IS PERFORMED.*—*If a child is born alive*  
 6 *and there is a violation of subsection (a), the woman*  
 7 *upon whom the abortion was performed or attempted*  
 8 *may, in a civil action against any person who com-*  
 9 *mitted the violation, obtain appropriate relief.*

10 “(2) *APPROPRIATE RELIEF.*—*Appropriate relief*  
 11 *in a civil action under this subsection includes—*

12 “(A) *objectively verifiable money damage*  
 13 *for all injuries, psychological and physical, occa-*  
 14 *sioned by the violation of subsection (a);*

15 “(B) *statutory damages equal to 3 times the*  
 16 *cost of the abortion or attempted abortion; and*

17 “(C) *punitive damages.*

18 “(3) *ATTORNEY’S FEE FOR PLAINTIFF.*—*The*  
 19 *court shall award a reasonable attorney’s fee to a pre-*  
 20 *vailing plaintiff in a civil action under this sub-*  
 21 *section.*

22 “(4) *ATTORNEY’S FEE FOR DEFENDANT.*—*If a*  
 23 *defendant in a civil action under this subsection pre-*  
 24 *vails and the court finds that the plaintiff’s suit was*  
 25 *frivolous, the court shall award a reasonable attor-*

1        *ney's fee in favor of the defendant against the plain-*  
2        *tiff.*

3        “(e) *DEFINITIONS.*—*In this section the following defi-*  
4        *initions apply:*

5                “(1) *ABORTION.*—*The term ‘abortion’ means the*  
6        *use or prescription of any instrument, medicine,*  
7        *drug, or any other substance or device—*

8                        “(A) *to intentionally kill the unborn child*  
9                        *of a woman known to be pregnant; or*

10                      “(B) *to intentionally terminate the preg-*  
11                      *nancy of a woman known to be pregnant, with*  
12                      *an intention other than—*

13                                “(i) *after viability, to produce a live*  
14                                *birth and preserve the life and health of the*  
15                                *child born alive; or*

16                                “(ii) *to remove a dead unborn child.*

17                “(2) *ATTEMPT.*—*The term ‘attempt’, with respect*  
18        *to an abortion, means conduct that, under the cir-*  
19        *cumstances as the actor believes them to be, con-*  
20        *stitutes a substantial step in a course of conduct*  
21        *planned to culminate in performing an abortion.”.*

22        (b) *CLERICAL AMENDMENT.*—*The table of sections for*  
23        *chapter 74 of title 18, United States Code, is amended by*

- 1 *inserting after the item pertaining to section 1531 the fol-*
- 2 *lowing:*

*“1532. Requirements pertaining to born-alive abortion survivors.”.*

Attest:

*Clerk.*



114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 1603**

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**AMENDMENT**