



1           “(A) exercise the same degree of profes-  
2           sional skill, care, and diligence to preserve the  
3           life and health of the child as a reasonably dili-  
4           gent and conscientious health care practitioner  
5           would render to any other child born alive at  
6           the same gestational age; and

7           “(B) following the exercise of skill, care,  
8           and diligence required under subparagraph (A),  
9           ensure that the child born alive is immediately  
10          transported and admitted to a hospital.

11          “(2) MANDATORY REPORTING OF VIOLA-  
12          TIONS.—A health care practitioner or any employee  
13          of a hospital, a physician’s office, or an abortion  
14          clinic who has knowledge of a failure to comply with  
15          the requirements of paragraph (1) shall immediately  
16          report the failure to an appropriate State or Federal  
17          law enforcement agency, or to both.

18          “(b) PENALTIES.—

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

22                 “(2) INTENTIONAL KILLING OF CHILD BORN  
23                 ALIVE.—Whoever intentionally performs or attempts  
24                 to perform an overt act that kills a child born alive  
25                 described under subsection (a), shall be punished as

1 under section 1111 of this title for intentionally kill-  
2 ing or attempting to kill a human being.

3 “(c) BAR TO PROSECUTION.—The mother of a child  
4 born alive described under subsection (a) may not be pros-  
5 ecuted under this section, for conspiracy to violate this  
6 section, or for an offense under section 3 or 4 of this title  
7 based on such a violation.

8 “(d) CIVIL REMEDIES.—

9 “(1) CIVIL ACTION BY A WOMAN ON WHOM AN  
10 ABORTION IS PERFORMED.—If a child is born alive  
11 and there is a violation of subsection (a), the woman  
12 upon whom the abortion was performed or at-  
13 tempted may, in a civil action against any person  
14 who committed the violation, obtain appropriate re-  
15 lief.

16 “(2) APPROPRIATE RELIEF.—Appropriate relief  
17 in a civil action under this subsection includes—

18 “(A) objectively verifiable money damage  
19 for all injuries, psychological and physical, occa-  
20 sioned by the violation of subsection (a);

21 “(B) statutory damages equal to 3 times  
22 the cost of the abortion or attempted abortion;  
23 and

24 “(C) punitive damages.

1           “(3) ATTORNEY’S FEE FOR PLAINTIFF.—The  
2           court shall award a reasonable attorney’s fee to a  
3           prevailing plaintiff in a civil action under this sub-  
4           section.

5           “(4) ATTORNEY’S FEE FOR DEFENDANT.—If a  
6           defendant in a civil action under this subsection pre-  
7           vails and the court finds that the plaintiff’s suit was  
8           frivolous, the court shall award a reasonable attor-  
9           ney’s fee in favor of the defendant against the plain-  
10          tiff.

11          “(e) DEFINITIONS.—In this section the following  
12          definitions apply:

13                 “(1) ABORTION.—The term ‘abortion’ means  
14                 the use or prescription of any instrument, medicine,  
15                 drug, or any other substance or device—

16                         “(A) to intentionally kill the unborn child  
17                         of a woman known to be pregnant; or

18                         “(B) to intentionally terminate the preg-  
19                         nancy of a woman known to be pregnant, with  
20                         an intention other than—

21                                 “(i) after viability, to produce a live  
22                                 birth and preserve the life and health of  
23                                 the child born alive; or

24                                 “(ii) to remove a dead unborn child.

1           “(2) ATTEMPT.—The term ‘attempt’, with re-  
2           spect to an abortion, means conduct that, under the  
3           circumstances as the actor believes them to be, con-  
4           stitutes a substantial step in a course of conduct  
5           planned to culminate in performing an abortion.”.

6           (b) CLERICAL AMENDMENT.—The table of sections  
7           for chapter 74 of title 18, United States Code, is amended  
8           by inserting after the item pertaining to section 1531 the  
9           following:

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

10          (c) CHAPTER HEADING AMENDMENTS.—

11           (1) CHAPTER HEADING IN CHAPTER.—The  
12           chapter heading for chapter 74 of title 18, United  
13           States Code, is amended by striking “**Partial-**  
14           **Birth Abortions**” and inserting “**Abortions**”.

15           (2) TABLE OF CHAPTERS FOR PART I.—The  
16           item relating to chapter 74 in the table of chapters  
17           at the beginning of part I of title 18, United States  
18           Code, is amended by striking “Partial-Birth Abor-  
19           tions” and inserting “Abortions”.

