

Union Calendar No. 236

107TH CONGRESS
2^D SESSION

H. R. 476

[Report No. 107-397]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2001

Ms. ROS-LEHTINEN (for herself, Mr. BARCIA, Mr. ISTOOK, Mr. PITTS, Mr. BACHUS, Mr. BURTON of Indiana, Mr. CAMP, Mr. CHABOT, Mr. FOSSELLA, Mr. WALSH, Mr. PETERSON of Pennsylvania, Mr. PHELPS, Mr. PORTMAN, Mr. TANCREDO, Mr. RYUN of Kansas, Mr. BAKER, Mr. RILEY, Mr. SHOWS, Mr. NORWOOD, Mr. POMBO, Mr. SHADEGG, Mr. HILLEARY, Mr. HUTCHINSON, Mr. BRADY of Texas, Mr. BURR of North Carolina, Mr. DEMINT, Mr. HOEKSTRA, Mr. HYDE, Mr. MCCRERY, Mr. SHIMKUS, Mr. EVERETT, Mr. KING, Mr. HAYWORTH, Mr. DELAY, Mr. FLETCHER, Mr. OBERSTAR, Mr. SMITH of Texas, Mr. THUNE, Mr. GOODLATTE, Mr. GUTKNECHT, Mr. STEARNS, Mr. CUNNINGHAM, Mr. BUYER, Mr. SCHAFFER, Mr. DEAL of Georgia, Mr. SUNUNU, Mr. TERRY, Mr. CANTOR, Mr. COMBEST, Mr. DIAZ-BALART, and Mrs. JO ANN DAVIS of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

APRIL 11, 2002

Additional sponsors: Mrs. MYRICK, Mr. ARMEY, Mr. GARY MILLER of California, Mr. AKIN, Mr. PENCE, Mr. LUCAS of Kentucky, Mr. CHAMBLISS, Mr. LARGENT, Mr. LIPINSKI, Mr. COSTELLO, Mr. LAHOOD, Mr. HULSHOF, Mr. GRAHAM, Mr. HALL of Ohio, Mr. PETRI, Mr. RAHALL, Mr. STENHOLM, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. WELDON of Florida, Mr. HAYES, Ms. HART, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. LEWIS of Kentucky, Mr. PETERSON of Minnesota, Mr. PUTNAM, Mr. ENGLISH, Mr. BARTON of Texas, Mr. TIAHRT, Mr. BLUNT, Mr. WAMP, Mr. HOSTETTLER, Mr. LATOURETTE, Mr. KERNS, Mr. SOUDER, Mr. FORBES, Mr. GOODE, Mr. COLLINS, Mr. NEY, Mr. GRUCCI, Mr. WILSON of South Carolina, Mr. SCHROCK, Mr. PICK-

ERING, Mr. BARR of Georgia, Mr. GREEN of Wisconsin, Mr. BERRY, and
Mr. SULLIVAN

APRIL 11, 2002

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend title 18, United States Code, to prohibit taking
minors across State lines in circumvention of laws requir-
ing 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 IN CIRCUMVENTION**
7 **OF CERTAIN LAWS RELATING TO ABORTION.**

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

10 **“CHAPTER 117A—TRANSPORTATION OF**
11 **MINORS IN CIRCUMVENTION OF CER-**
12 **TAIN LAWS RELATING TO ABORTION**

“Sec.

“2431. Transportation of minors in circumvention of certain laws relating to
abortion.

1 **“§ 2431. Transportation of minors in circumvention of**
2 **certain laws relating to abortion**

3 “(a) OFFENSE.—

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

14 “(2) DEFINITION.—For the purposes of this
15 subsection, an abridgement of the right of a parent
16 occurs if an abortion is performed on the individual,
17 in a State other than the State where the individual
18 resides, without the parental consent or notification,
19 or the judicial authorization, that would have been
20 required by that law had the abortion been per-
21 formed in the State where the individual resides.

22 “(b) EXCEPTIONS.—(1) The prohibition of subsection
23 (a) does not apply if the abortion was necessary to save
24 the life of the minor because her life was endangered by
25 a physical disorder, physical injury, or physical illness, in-

1 cluding a life endangering physical condition caused by or
2 arising from the pregnancy itself.

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

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

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

22 “(e) DEFINITIONS.—For the purposes of this
23 section—

24 “(1) a law requiring parental involvement in a
25 minor’s abortion decision is a law—

1 “(A) requiring, before an abortion is per-
2 formed on a minor, either—

3 “(i) the notification to, or consent of,
4 a parent of that minor; or

5 “(ii) proceedings in a State court; and

6 “(B) that does not provide as an alter-
7 native to the requirements described in sub-
8 paragraph (A) notification to or consent of any
9 person or entity who is not described in that
10 subparagraph;

11 “(2) the term ‘parent’ means—

12 “(A) a parent or guardian;

13 “(B) a legal custodian; or

14 “(C) a person standing in loco parentis
15 who has care and control of the minor, and
16 with whom the minor regularly resides,

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

21 “(3) the term ‘minor’ means an individual who
22 is not older than the maximum age requiring paren-
23 tal notification or consent, or proceedings in a State
24 court, under the law requiring parental involvement
25 in a minor’s abortion decision; and

1 “(4) the term ‘State’ includes the District of
2 Columbia and any commonwealth, possession, or
3 other territory of the United States.”.

4 (b) CLERICAL AMENDMENT.—The table of chapters
5 for part I of title 18, United States Code, is amended by
6 inserting after the item relating to chapter 117 the fol-
7 lowing new item:

“117A. Transportation of minors in circumvention of certain laws
relating to abortion 2431”.

Union Calendar No. 236

107TH CONGRESS
2^D SESSION

H. R. 476

[Report No. 107-397]

A BILL

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

APRIL 11, 2002

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed