

PROVIDING FOR CONSIDERATION OF H.R. 1997, UNBORN
VICTIMS OF VIOLENCE ACT OF 2004

FEBRUARY 24, 2004.—Referred to the House Calendar and ordered to be printed

Mr. LINDER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 529]

The Committee on Rules, having had under consideration House Resolution 529, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of H.R. 1997, the Unborn Victims of Violence Act of 2004, under a modified closed rule. The rule provides two hours of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the bill shall be considered as read for amendment.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as adopted.

The rule provides for consideration of the amendment in the nature of a substitute printed in part B of this report, if offered by Representative Lofgren, or her designee, which shall be considered as read and shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in part B of this report.

Finally, the rule provides one motion to recommit with or without instructions.

PART A—SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

(Summary of amendment derived from information provided by the sponsor.)

Sensenbrenner: Manager's Amendment. Makes two technical changes to the Uniform Code of Military Justice (UCMJ) portion of the bill to conform those provisions to the format of the UCMJ.

PART B—SUMMARY OF AMENDMENT MADE IN ORDER

(Summary of amendment derived from information provided by the sponsor.)

Lofgren: Amendment in the Nature of the Substitute. Creates a new federal crime for any violent or assaultive conduct against a pregnant woman that interrupts or terminates her pregnancy and makes any interruption punishable by a fine and imprisonment up to twenty years but, if the pregnancy is terminated, punishable by a fine and imprisonment up to life. (60 minutes)

PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Page 5, line 21, strike "Protection of unborn children" and insert "Death or injury of an unborn child".

Page 6, line 2, strike the period and all that follows through line 7 and insert "and shall, upon conviction, be punished by such punishment, other than death, as a court-martial may direct, which shall be consistent with the punishments prescribed by the President for that conduct had that injury or death occurred to the unborn child's mother."

Page 6, beginning in line 17, strike "subparagraph (A)" and insert "paragraph (1)".

Page 6, line 8, strike "(B)" and insert "(2)".

Page 6, line 15, strike "(C)" and insert "(3)".

Page 6, line 21, strike "(D)" and insert "(4)".

Page 7, in the matter appearing after line 20, strike "Protection of unborn children" and insert "Death or injury of an unborn child".

PART B—TEXT OF AMENDMENT MADE IN ORDER

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motherhood Protection Act of 2004".

SEC. 2. CRIMES AGAINST A WOMAN THAT AFFECT THE NORMAL COURSE OF HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).