

118TH CONGRESS  
1ST SESSION

# H. R. 5319

To prohibit abortions in the admiralty and maritime jurisdiction of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 2023

Mr. WEBER of Texas (for himself, Mr. GOSAR, Mr. DUNCAN, Mr. WILLIAMS of Texas, Mrs. MILLER of Illinois, Mr. STEUBE, Mr. MOONEY, Mr. BIGGS, Mr. HIGGINS of Louisiana, Mr. BABIN, and Ms. HAGEMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit abortions in the admiralty and maritime jurisdiction of the United States, and for other purposes.

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 “Ban Offshore Abortion  
5 Tourism Act” or the “BOAT Act”.

1 **SEC. 2. PROHIBITING ABORTION IN THE CERTAIN JURIS-**  
2 **DICTIONS.**

3 (a) IN GENERAL.—Chapter 74 of title 18, United  
4 States Code, is amended by inserting after section 1531  
5 the following:

6 **“§ 1532. Abortions in the admiralty and maritime ju-**  
7 **risdiction of the United States**

8 “(a) OFFENSE.—Subject to subsection (b), any per-  
9 son who, in the admiralty and maritime jurisdiction of the  
10 United States, knowingly performs an abortion and there-  
11 by kills a human fetus shall be fined under this title, im-  
12 prisoned not more than 5 years, or both.

13 “(b) EXCEPTION.—Subsection (a) does not apply if—

14 “(1) in reasonable medical judgment, the abor-  
15 tion is necessary to save the life of a pregnant  
16 woman whose life is endangered by a physical dis-  
17 order, physical illness, or physical injury, including  
18 a life-endangering physical condition caused by or  
19 arising from the pregnancy itself, but not including  
20 psychological or emotional conditions;

21 “(2) the pregnancy is the result of rape against  
22 an adult woman, and at least 48 hours prior to the  
23 abortion—

24 “(A) she has obtained counseling for the  
25 rape; or

1           “(B) she has obtained medical treatment  
2           for the rape or an injury related to the rape; or

3           “(3) the pregnancy is a result of rape against  
4           a minor or incest against a minor, and the rape or  
5           incest has been reported at any time prior to the  
6           abortion to either—

7           “(A) a government agency legally author-  
8           ized to act on reports of child abuse; or

9           “(B) a law enforcement agency.

10          “(c) BAR TO PROSECUTION.—A woman upon whom  
11          an abortion in violation of subsection (a) is performed or  
12          attempted may not be prosecuted under, or for a con-  
13          spiracy to violate, subsection (a), or for an offense under  
14          section 2, 3, or 4 of this title based on such a violation.

15          “(d) CIVIL REMEDIES.—

16                 “(1) CIVIL ACTION BY A WOMAN ON WHOM AN  
17          ABORTION IS PERFORMED.—A woman upon whom  
18          an abortion has been performed or attempted in vio-  
19          lation of any provision of this section may, in a civil  
20          action before the appropriate district court of the  
21          United States against any person who committed the  
22          violation, obtain appropriate relief.

23                 “(2) CIVIL ACTION BY A PARENT OF A MINOR  
24          ON WHOM ABORTION IS PERFORMED.—A parent of  
25          a minor upon whom an abortion has been performed

1 or attempted under an exception provided for in sub-  
2 section (b)(2)(B), and that was performed in viola-  
3 tion of any provision of this section may, in a civil  
4 action before the appropriate district court of the  
5 United States against any person who committed the  
6 violation obtain appropriate relief, unless the preg-  
7 nancy resulted from the plaintiff's criminal conduct.

8 “(3) APPROPRIATE RELIEF.—Appropriate relief  
9 in a civil action under this subsection includes—

10 “(A) objectively verifiable money damages  
11 for all injuries, psychological and physical, occa-  
12 sioned by the violation;

13 “(B) statutory damages equal to three  
14 times the cost of the abortion; and

15 “(C) punitive damages.

16 “(4) ATTORNEYS’ FEES FOR PLAINTIFF.—If a  
17 plaintiff in a civil action under this subsection pre-  
18 vails, the court shall award a reasonable attorney’s  
19 fee in favor of the plaintiff against the defendant.

20 “(5) ATTORNEYS’ FEES FOR DEFENDANT.—If a  
21 defendant in a civil action under this subsection pre-  
22 vails and the court finds that the plaintiff’s suit was  
23 frivolous, the court shall award a reasonable attor-  
24 ney’s fee in favor of the defendant against the plain-  
25 tiff.

1           “(6) AWARD AGAINST WOMAN UPON WHOM  
2 ABORTION IS PERFORMED.—Except under para-  
3 graph (5), in a civil action under this subsection, no  
4 damages, attorneys’ fees, or other monetary relief  
5 may be assessed against the woman upon whom the  
6 abortion was performed or attempted.”.

7           (b) TABLE OF SECTIONS.—The table of sections for  
8 chapter 74 of title 18, United States Code, is amended  
9 by inserting after section 1531 the following:

“1532. Abortions in the admiralty and maritime jurisdiction of the United  
States”.

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