

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1997  
OFFERED BY MS. LOFGREN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

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

6 (a) Whoever engages in any violent or assaultive con-  
7 duct against a pregnant woman resulting in the conviction  
8 of the person so engaging for a violation of any of the  
9 provisions of law set forth in subsection (c), and thereby  
10 causes an interruption to the normal course of the preg-  
11 nancy resulting in prenatal injury (including termination  
12 of the pregnancy), shall, in addition to any penalty im-  
13 posed for the violation, be punished as provided in sub-  
14 section (b).

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

17 (1) if the relevant provision of law set forth in  
18 subsection (c) is set forth in paragraph (1), (2), or



1 (3) of that subsection, a fine under title 18, United  
2 States Code, or imprisonment for not more than 20  
3 years, or both, but if the interruption terminates the  
4 pregnancy, a fine under title 18, United States  
5 Code, or imprisonment for any term of years or for  
6 life, or both; and

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

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

13 (1) Sections 36, 37, 43, 111, 112, 113, 114,  
14 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f),  
15 (h)(1), and (i), 924(j), 930, 1111, 1112, 1114,  
16 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a),  
17 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513,  
18 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and  
19 (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116,  
20 2118, 2119, 2191, 2231, 2241(a), 2245, 2261,  
21 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A,  
22 and 2441 of title 18, United States Code.

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



1           (3) Section 202 of the Atomic Energy Act of  
2           1954 (42 U.S.C. 2283).

3           (4) Sections 918, 919(a), 919(b)(2), 920(a),  
4           922, 924, 926, and 928 of title 10, United States  
5           Code (articles 118, 119(a), 119(b)(2), 120(a), 122,  
6           124, 126, and 128).

