

115TH CONGRESS
1ST SESSION

H. R. 147

To prohibit discrimination against the unborn on the basis of sex or race,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. FRANKS of Arizona introduced the following bill; which was referred to
the Committee on the Judiciary

A BILL

To prohibit discrimination against the unborn on the basis
of sex or race, 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 “Prenatal Non-
5 discrimination Act (PRENDA) of 2017”.

6 **SEC. 2. FINDINGS AND CONSTITUTIONAL AUTHORITY.**

7 (a) FINDINGS.—The Congress makes the following
8 findings:

9 (1) SEX DISCRIMINATION FINDINGS.—

1 (A) Women are a vital part of American
2 society and culture and possess the same funda-
3 mental human rights and civil rights as men.

4 (B) United States law prohibits the dis-
5 similar treatment of males and females who are
6 similarly situated and prohibits sex discrimina-
7 tion in various contexts, including the provision
8 of employment, education, housing, health in-
9 surance coverage, and athletics.

10 (C) Sex is an immutable characteristic as-
11 certainable at the earliest stages of human de-
12 velopment through existing medical technology
13 and procedures commonly in use, including ma-
14 ternal-fetal bloodstream DNA sampling,
15 amniocentesis, chorionic villus sampling or
16 “CVS”, and obstetric ultrasound. In addition to
17 medically assisted sex determination, a growing
18 sex-determination niche industry has developed
19 and is marketing low-cost commercial products,
20 widely advertised and available, that aid in the
21 sex determination of an unborn child without
22 the aid of medical professionals. Experts have
23 demonstrated that the sex-selection industry is
24 on the rise and predict that sex selection will
25 continue to be a growing trend in the United

1 States. Sex determination is always a necessary
2 step to the procurement of a sex-selection abor-
3 tion.

4 (D) A “sex-selection abortion” is an abor-
5 tion undertaken for purposes of eliminating an
6 unborn child of an undesired sex. Sex-selection
7 abortion is barbaric, and described by scholars
8 and civil rights advocates as an act of sex-based
9 or gender-based violence, predicated on sex dis-
10 crimination. Sex-selection abortions are typi-
11 cally late-term abortions performed in the 2d or
12 3rd trimester of pregnancy, often after the un-
13 born child has developed sufficiently to feel
14 pain. Substantial medical evidence proves that
15 an unborn child can experience pain at 20
16 weeks after conception, and perhaps substan-
17 tially earlier. By definition, sex-selection abor-
18 tions do not implicate the health of the mother
19 of the unborn, but instead are elective proce-
20 dures motivated by sex or gender bias.

21 (E) The targeted victims of sex-selection
22 abortions performed in the United States and
23 worldwide are overwhelmingly female. The se-
24 lective abortion of females is female infanticide,
25 the intentional killing of unborn females, due to

1 the preference for male offspring or “son pref-
2 erence”. Son preference is reinforced by the low
3 value associated, by some segments of the world
4 community, with female offspring. Those seg-
5 ments tend to regard female offspring as finan-
6 cial burdens to a family over their lifetime due
7 to their perceived inability to earn or provide fi-
8 nancially for the family unit as can a male. In
9 addition, due to social and legal convention, fe-
10 male offspring are less likely to carry on the
11 family name. “Son preference” is one of the
12 most evident manifestations of sex or gender
13 discrimination in any society, undermining fe-
14 male equality, and fueling the elimination of fe-
15 males’ right to exist in instances of sex-selection
16 abortion.

17 (F) Sex-selection abortions are not ex-
18 pressly prohibited by United States law or the
19 laws of 46 States. Sex-selection abortions are
20 performed in the United States. In a March
21 2008 report published in the Proceedings of the
22 National Academy of Sciences, Columbia Uni-
23 versity economists Douglas Almond and Lena
24 Edlund examined the sex ratio of United
25 States-born children and found “evidence of sex

1 selection, most likely at the prenatal stage”.

2 The data revealed obvious “son preference” in

3 the form of unnatural sex-ratio imbalances

4 within certain segments of the United States

5 population, primarily those segments tracing

6 their origins to countries where sex-selection

7 abortion is prevalent. The evidence strongly

8 suggests that some Americans are exercising

9 sex-selection abortion practices within the

10 United States consistent with discriminatory

11 practices common to their country of origin, or

12 the country to which they trace their ancestry.

13 While sex-selection abortions are more common

14 outside the United States, the evidence reveals

15 that female feticide is also occurring in the

16 United States.

17 (G) The American public supports a prohi-

18 bition of sex-selection abortion. In a March

19 2006 Zogby International poll, 86 percent of

20 Americans agreed that sex-selection abortion

21 should be illegal, yet only eight States proscribe

22 sex-selection abortion. In a 2012 poll conducted

23 by the Charlotte Lozier Institute, 77 percent of

24 Americans agreed that sex-selection abortion

25 should be illegal.

1 (H) Despite the failure of the United
2 States to proscribe sex-selection abortion, the
3 United States Congress has expressed repeat-
4 edly, through Congressional resolution, strong
5 condemnation of policies promoting sex-selec-
6 tion abortion in the “Communist Government
7 of China”. Likewise, at the 2007 United Na-
8 tion’s Annual Meeting of the Commission on
9 the Status of Women, 51st Session, the United
10 States delegation spearheaded a resolution call-
11 ing on countries to condemn sex-selective abor-
12 tion, a policy directly contradictory to the per-
13 missiveness of current United States law, which
14 places no restriction on the practice of sex-se-
15 lection abortion. The United Nations Commis-
16 sion on the Status of Women has urged govern-
17 ments of all nations “to take necessary meas-
18 ures to prevent . . . prenatal sex selection”.

19 (I) A 1990 report by Harvard University
20 economist Amartya Sen, estimated that more
21 than 100 million women were “demographically
22 missing” from the world as early as 1990 due
23 to sexist practices, including sex-selection abor-
24 tion. Many experts believe sex-selection abortion
25 is the primary cause. More recent estimates of

1 women missing from the world range in the
2 hundreds of millions.

3 (J) Countries with longstanding experience
4 with sex-selection abortion—such as the Repub-
5 lic of India, the United Kingdom, and the Peo-
6 ple’s Republic of China—have enacted restric-
7 tions on sex selection, and have steadily contin-
8 ued to strengthen prohibitions and penalties.
9 The United States, by contrast, has no law in
10 place to restrict sex-selection abortion, estab-
11 lishing the United States as affording less pro-
12 tection from sex-based feticide than the Repub-
13 lic of India or the People’s Republic of China,
14 whose recent practices of sex-selection abortion
15 were vehemently and repeatedly condemned by
16 United States congressional resolution and by
17 the United States Ambassador to the Commis-
18 sion on the Status of Women. Public state-
19 ments from within the medical community re-
20 veal that citizens of other countries come to the
21 United States for sex-selection procedures that
22 would be criminal in their country of origin. Be-
23 cause the United States permits abortion on the
24 basis of sex, the United States may effectively
25 function as a “safe haven” for those who seek

1 to have American physicians do what would
2 otherwise be criminal in their home countries—
3 a sex-selection abortion, most likely late-term.

4 (K) The American medical community op-
5 poses sex selection. The American Congress of
6 Obstetricians and Gynecologists (“ACOG”)
7 stated in its 2007 Ethics Committee Opinion,
8 Number 360, that sex selection is inappropriate
9 because it “ultimately supports sexist prac-
10 tices”. The American Society of Reproductive
11 Medicine (“ASRM”) published a 2004 Ethics
12 Committee Opinion, noting that central to the
13 controversy of sex selection in the use of as-
14 sisted reproductive technology (“ART”) is the
15 potential for “inherent gender discrimination”,
16 . . . the “risk of psychological harm to sex-se-
17 lected offspring (i.e., by placing on them expec-
18 tations that are too high)”, . . . and “rein-
19 forcement of gender bias in society as a whole”.
20 Sex selection in ART remains “vulnerable to
21 the judgment that no matter what its basis,
22 [the method] identifies gender as a reason to
23 value one person over another, and it supports
24 socially constructed stereotypes of what gender
25 means”. In doing so, it not only “reinforces

1 possibilities of unfair discrimination, but may
2 trivialize human reproduction by making it de-
3 pend on the selection of nonessential features of
4 offspring”. The ASRM ethics opinion continues,
5 “ongoing problems with the status of women in
6 the United States make it necessary to take ac-
7 count of concerns for the impact of sex-selection
8 on goals of gender equality”. The American As-
9 sociation of Pro-Life Obstetricians and Gyne-
10 cologists, an organization with hundreds of
11 members—many of whom are former abortion-
12 ists—makes the following declaration: “Sex se-
13 lection abortions are more graphic examples of
14 the damage that abortion inflicts on women. In
15 addition to increasing premature labor in subse-
16 quent pregnancies, increasing suicide and major
17 depression, and increasing the risk of breast
18 cancer in teens who abort their first pregnancy
19 and delay childbearing, sex selection abortions
20 are often targeted at fetuses simply because the
21 fetus is female. As physicians who care for both
22 the mother and her unborn child, the American
23 Association of Pro-Life Obstetricians and Gyne-
24 cologists vigorously opposes aborting fetuses be-
25 cause of their gender.”. The President’s Council

1 on Bioethics published a Working Paper stating
2 the council’s belief that society’s respect for re-
3 productive freedom does not prohibit the regu-
4 lation or prohibition of “sex control”, defined as
5 the use of various medical technologies to
6 choose the sex of one’s child. The publication
7 expresses concern that “sex control might lead
8 to . . . dehumanization and a new eugenics”.

9 (L)(i) Sex-selection abortions are often co-
10 coerced, and therefore, the opposite of “choice”.
11 Researchers at the University of California at
12 Berkeley and the University of California at
13 San Francisco completed a study of Indian-
14 American women who had undergone sex-selec-
15 tion abortions in the United States. The study
16 found that sex-selection abortions are often the
17 product of violent coercion.

18 (ii) Women who carried a female unborn
19 child to term said they were subject to varying
20 degrees of verbal and physical abuse, which
21 may be to the point of actually inducing a sex-
22 selection abortion. A woman may be denied
23 food, water, and rest to induce an abortion
24 where the family determines that the woman is
25 carrying a female unborn child. Some women

1 described being hit, pushed, choked and kicked
2 in the abdomen in a husband's attempt to fore-
3 ibly terminate a female unborn child. Preg-
4 nancy is already a vulnerable time for women;
5 the most common cause of death for pregnant
6 women in the United States is homicide, often
7 at the hands of the unborn child's father.

8 (iii) The study concluded that sex selection
9 can be the product of an abusive environment
10 created by marital partners, an extended fam-
11 ily, or both. One-third of the women in the
12 study reported that a history of family violence
13 exacerbated when they did not give birth to a
14 son. Notably, because the researchers had rea-
15 son to fear for the participants' exposure to
16 marital violence, all subjects received informa-
17 tion on local South Asian women's organiza-
18 tions offering assistance for victims of family vi-
19 olence. The failure to bear a son is a serious
20 matter; the birth of a daughter could result in
21 violence or a brutal death for the mother at the
22 hands of the father and mother-in-law. For ex-
23 ample, photojournalist Walter Astrada's re-
24 nowned documentary tells the story of an In-
25 dian woman who was tortured and abandoned

1 by her husband and mother-in-law for refusing
2 to abort twin girls. Sex-selection abortion has
3 long been considered a form of violence against
4 women, and the study proved that both the
5 women and the unborn daughter are victims of
6 violence where sex-selection abortion is legally
7 available but not sought by the mother. Forty
8 percent of the women had terminated prior
9 pregnancies when they learned that the unborn
10 child was female. Of the women who discovered
11 they were pregnant with a girl during the inter-
12 view period, 89 percent underwent a sex-selec-
13 tion abortion. Among those that did not abort
14 their unborn daughters, 100 percent expressed
15 ambivalence about prior sex-selection abortions.
16 Further, 100 percent cited physical and psycho-
17 logical trauma from the past abortions as rea-
18 sons for not seeking another. Most tragically,
19 100 percent expressed guilt, shame and sadness
20 over their inability to “save” the daughters they
21 had aborted.

22 (iv) Coercive sex-selection abortions are
23 suspected in other western countries as well.
24 Following a 2012 investigation of sex-selection
25 abortion in the United Kingdom, Dr. Tony Fal-

1 coner, President of the Royal College of Obstet-
2 rics and Gynaecology, raised the specter that
3 women may be experiencing violence and coer-
4 cion to force sex-selection abortions.

5 (v) A growing body of research documents
6 the relationship between intimate partner vio-
7 lence and reproductive coercion.

8 (M) Sex-selection abortion harms women.
9 Researchers at the University of California
10 found that women in the United States who un-
11 dergo sex-selection abortions are at increased
12 risk for psychological and physical morbidity,
13 documented by their descriptions of depression,
14 anxiety, chronic pain, physical abuse, closely
15 spaced pregnancies, and “forced abortions”.
16 Further, 100 percent of the study participants
17 who chose to carry unborn baby girls cited
18 physical and psychological trauma from past
19 abortions as reasons for not seeking another.
20 Similarly, Indian-Canadian counselor, Aruna
21 Papp, stated publicly that in her 30 years of ex-
22 perience treating Indian-Canadian women, she
23 has found that sex-selection abortion is the
24 leading cause of mental illness among women in
25 the Punjabi Health Services, Peel region, and

1 the leading cause of depression and attempted
2 suicide in the South Asian Settlement Services
3 in Scarborough. Some of Papp’s patients ob-
4 tained their sex-selection abortions in Michigan
5 and New York. Papp also reports “many other
6 physical ailments that are related to two, three,
7 or four abortions”.

8 (N) Sex-selection abortion results in an un-
9 natural sex-ratio imbalance. An unnatural sex-
10 ratio imbalance is undesirable, due to the in-
11 ability of the numerically predominant sex to
12 find mates. Experts worldwide document that a
13 significant sex-ratio imbalance in which males
14 numerically predominate can be a cause of in-
15 creased violence and militancy within a society.
16 Likewise, an unnatural sex-ratio imbalance
17 gives rise to the commoditization of humans in
18 the form of human trafficking, and a con-
19 sequent increase in kidnapping and other vio-
20 lent crime.

21 (O) Sex-selection abortions have the effect
22 of diminishing the representation of women in
23 the American population, and therefore, the
24 American electorate.

1 (P) Sex-selection abortion reinforces sex
2 discrimination and has no place in a civilized
3 society.

4 (2) RACIAL DISCRIMINATION FINDINGS.—

5 (A) Minorities are a vital part of American
6 society and culture and possess the same funda-
7 mental human rights and civil rights as the ma-
8 jority.

9 (B) United States law prohibits discrimi-
10 nation on the basis of race in various contexts,
11 including employment, education, housing,
12 health insurance coverage, and athletics.

13 (C) A “race-selection abortion” is an abor-
14 tion performed for purposes of eliminating an
15 unborn child because the child or a parent of
16 the child is of an undesired race. Race-selection
17 abortion is barbaric, and described by civil
18 rights advocates as an act of race-based vio-
19 lence, predicated on race discrimination. By
20 definition, race-selection abortions do not impli-
21 cate the health of mother of the unborn, but in-
22 stead are elective procedures motivated by race
23 bias.

24 (D) A thorough review of the history of the
25 American population control movement and its

1 close affiliation with the American Eugenics So-
2 ciety reveals a history of targeting certain racial
3 or ethnic groups for “family planning”. This
4 history likely contributes to the current statistic
5 that a Black baby is five times as likely to be
6 aborted as a White baby, often in a federally
7 subsidized clinic.

8 (E) Abortion is the leading cause of death
9 in the Black community. With approximately
10 450,000 Black abortions per year, more Black
11 Americans lose their lives each year to abortion
12 than to cancer, heart disease, diabetes, AIDS,
13 and violence combined. These statistics are de-
14 rived by comparing the abortion statistics of the
15 Alan Guttmacher Institute (formerly the re-
16 search arm of Planned Parenthood) to the Na-
17 tional Vital Statistics annual reports showing
18 the number of deaths by cause and race. The
19 numbers for each of these variables have re-
20 mained relatively constant from year to year,
21 since 2005.

22 (F) Only one State, Arizona, has enacted
23 law to proscribe the performance of race-selec-
24 tion abortions.

1 (G) Race-selection abortions have the ef-
2 fect of diminishing the number of minorities in
3 the American population and therefore, the
4 American electorate.

5 (H) Race-selection abortion reinforces ra-
6 cial discrimination and has no place in a civ-
7 ilized society.

8 (3) GENERAL FINDINGS.—

9 (A) The history of the United States in-
10 cludes examples of both sex discrimination and
11 race discrimination. The people of the United
12 States ultimately responded in the strongest
13 possible legal terms by enacting constitutional
14 amendments correcting elements of such dis-
15 crimination. Women, once subjected to sex dis-
16 crimination that denied them the right to vote,
17 now have suffrage guaranteed by the 19th
18 Amendment. African-Americans, once subjected
19 to race discrimination through slavery that de-
20 nied them equal protection of the laws, now
21 have that right guaranteed by the 14th Amend-
22 ment. The elimination of discriminatory prac-
23 tices has been and is among the highest prior-
24 ities and greatest achievements of American
25 history.

1 (B) Implicitly approving the discriminatory
2 practices of sex-selection abortion and race-se-
3 lection abortion by choosing not to prohibit
4 them will reinforce these inherently discrimina-
5 tory practices, and evidence a failure to protect
6 a segment of certain unborn Americans because
7 those unborn are of a sex or racial makeup that
8 is disfavored. Sex-selection and race-selection
9 abortions trivialize the value of the unborn on
10 the basis of sex or race, reinforcing sex and
11 race discrimination, and coarsening society to
12 the humanity of all vulnerable and innocent
13 human life, making it increasingly difficult to
14 protect such life. Thus, Congress has a compel-
15 ling interest in acting—indeed it must act—to
16 prohibit sex-selection abortion and race-selec-
17 tion abortion.

18 (b) CONSTITUTIONAL AUTHORITY.—In accordance
19 with the above findings, Congress enacts the following
20 pursuant to Congress’ power under—

- 21 (1) the Commerce Clause;
- 22 (2) section 2 of the 13th Amendment;
- 23 (3) section 5 of the 14th Amendment, including
24 the power to enforce the prohibition on government
25 action denying equal protection of the laws; and

1 (4) section 8 of article I to make all laws nec-
2 essary and proper for the carrying into execution of
3 powers vested by the Constitution in the Govern-
4 ment of the United States.

5 **SEC. 3. DISCRIMINATION AGAINST THE UNBORN ON THE**
6 **BASIS OF RACE OR SEX.**

7 (a) IN GENERAL.—Chapter 13 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 250. Discrimination against the unborn on the**
11 **basis of race or sex**

12 “(a) IN GENERAL.—Whoever knowingly—

13 “(1) performs an abortion knowing that such
14 abortion is sought based on the sex, gender, color or
15 race of the child, or the race of a parent of that
16 child;

17 “(2) uses force or the threat of force to inten-
18 tionally injure or intimidate any person for the pur-
19 pose of coercing a sex-selection or race-selection
20 abortion;

21 “(3) solicits or accepts funds for the perform-
22 ance of a sex-selection abortion or a race-selection
23 abortion; or

1 “(4) transports a woman into the United States
2 or across a State line for the purpose of obtaining
3 a sex-selection abortion or race-selection abortion,
4 or attempts to do so, shall be fined under this title or im-
5 prisoned not more than 5 years, or both.

6 “(b) CIVIL REMEDIES.—

7 “(1) CIVIL ACTION BY WOMAN ON WHOM ABOR-
8 TION IS PERFORMED.—A woman upon whom an
9 abortion has been performed or attempted in viola-
10 tion of subsection (a)(2) may in a civil action
11 against any person who engaged in a violation of
12 subsection (a) obtain appropriate relief.

13 “(2) CIVIL ACTION BY RELATIVES.—The father
14 of an unborn child who is the subject of an abortion
15 performed or attempted in violation of subsection
16 (a), or a maternal grandparent of the unborn child
17 if the pregnant woman is an unemancipated minor,
18 may in a civil action against any person who en-
19 gaged in the violation, obtain appropriate relief, un-
20 less the pregnancy or abortion resulted from the
21 plaintiff’s criminal conduct or the plaintiff consented
22 to the abortion.

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

1 “(A) objectively verifiable money damages
2 for all injuries, psychological and physical, in-
3 cluding loss of companionship and support, oc-
4 casioned by the violation of this section; and

5 “(B) punitive damages.

6 “(4) INJUNCTIVE RELIEF.—

7 “(A) IN GENERAL.—A qualified plaintiff
8 may in a civil action obtain injunctive relief to
9 prevent an abortion provider from performing
10 or attempting further abortions in violation of
11 this section.

12 “(B) DEFINITION.—In this paragraph the
13 term ‘qualified plaintiff’ means—

14 “(i) a woman upon whom an abortion
15 is performed or attempted in violation of
16 this section;

17 “(ii) a maternal grandparent of the
18 unborn child if the woman upon whom an
19 abortion is performed or attempted in vio-
20 lation of this section is an unemancipated
21 minor;

22 “(iii) the father of an unborn child
23 who is the subject of an abortion per-
24 formed or attempted in violation of sub-
25 section (a); or

1 “(iv) the Attorney General.

2 “(5) ATTORNEYS FEES FOR PLAINTIFF.—The
3 court shall award a reasonable attorney’s fee as part
4 of the costs to a prevailing plaintiff in a civil action
5 under this subsection.

6 “(c) EXCEPTION.—A woman upon whom a sex-selec-
7 tion or race-selection abortion is performed may not be
8 prosecuted or held civilly liable for any violation of this
9 section, or for a conspiracy to violate this section.

10 “(d) LOSS OF FEDERAL FUNDING.—A violation of
11 subsection (a) shall be deemed for the purposes of title
12 VI of the Civil Rights Act of 1964 to be discrimination
13 prohibited by section 601 of that Act.

14 “(e) REPORTING REQUIREMENT.—A physician, phy-
15 sician’s assistant, nurse, counselor, or other medical or
16 mental health professional shall report known or suspected
17 violations of any of this section to appropriate law enforce-
18 ment authorities. Whoever violates this requirement shall
19 be fined under this title or imprisoned not more than 1
20 year, or both.

21 “(f) EXPEDITED CONSIDERATION.—It shall be the
22 duty of the United States district courts, United States
23 courts of appeal, and the Supreme Court of the United
24 States to advance on the docket and to expedite to the

1 greatest possible extent the disposition of any matter
2 brought under this section.

3 “(g) PROTECTION OF PRIVACY IN COURT PRO-
4 CEEDINGS.—

5 “(1) IN GENERAL.—Except to the extent the
6 Constitution or other similarly compelling reason re-
7 quires, in every civil or criminal action under this
8 section, the court shall make such orders as are nec-
9 essary to protect the anonymity of any woman upon
10 whom an abortion has been performed or attempted
11 if she does not give her written consent to such dis-
12 closure. Such orders may be made upon motion, but
13 shall be made sua sponte if not otherwise sought by
14 a party.

15 “(2) ORDERS TO PARTIES, WITNESSES, AND
16 COUNSEL.—The court shall issue appropriate orders
17 to the parties, witnesses, and counsel and shall di-
18 rect the sealing of the record and exclusion of indi-
19 viduals from courtrooms or hearing rooms to the ex-
20 tent necessary to safeguard the identity of the
21 woman described in paragraph (1) from public dis-
22 closure.

23 “(3) PSEUDONYM REQUIRED.—In the absence
24 of written consent of the woman upon whom an
25 abortion has been performed or attempted, any

1 party, other than a public official, who brings an ac-
2 tion under this section shall do so under a pseu-
3 donym.

4 “(4) LIMITATION.—This subsection shall not be
5 construed to conceal the identity of the plaintiff or
6 of witnesses from the defendant or from attorneys
7 for the defendant.

8 “(h) DEFINITION.—In this section—

9 “(1) the term ‘abortion’ means the act of using
10 or prescribing any instrument, medicine, drug, or
11 any other substance, device, or means with the in-
12 tent to terminate the clinically diagnosable preg-
13 nancy of a woman, with knowledge that the termi-
14 nation by those means will with reasonable likelihood
15 cause the death of the unborn child, unless the act
16 is done with the intent to—

17 “(A) save the life or preserve the health of
18 the unborn child;

19 “(B) remove a dead unborn child caused
20 by spontaneous abortion; or

21 “(C) remove an ectopic pregnancy;

22 “(2) the term ‘sex-selection abortion’ means an
23 abortion undertaken for purposes of eliminating an
24 unborn child of an undesired sex; and

1 “(3) the term ‘race-selection abortion’ means an
2 abortion performed for purposes of eliminating an
3 unborn child because the child or a parent of the
4 child is of an undesired race.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 13 of title 18, United States
7 Code, is amended by adding after the item relating to sec-
8 tion 249 the following new item:

 “250. Discrimination against the unborn on the basis of race or sex.”.

9 **SEC. 4. SEVERABILITY.**

10 If any portion of this Act or the application thereof
11 to any person or circumstance is held invalid, such inva-
12 lidity shall not affect the portions or applications of this
13 Act which can be given effect without the invalid portion
14 or application.

○