**S. 18**

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN THE WASAMUN MODEL UNITED STATES SENATE

January 17, 2020

Mr. Tillis and Mr. Cruz introduced the following bill

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**A BILL**

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Prenatal Non-Discrimination Act of 2020”.

SECTION 2. FINDINGS.

Congress makes the following findings:

1. United States law prohibits the dissimilar treatment of males and females who are similarly situated and prohibits sex discrimination in various contexts, including the provision of employment, education, housing, health insurance coverage, and athletics.
2. A “sex-selection abortion” is an abortion undertaken for purposes of eliminating an unborn child of an undesired sex. Sex-selection abortion is described by scholars and civil rights advocates as an act of sex-based or gender-based violence, predicated on sex discrimination. By definition, sex-selection abortions do not implicate the health of the mother of the unborn, but instead are elective procedures motivated by sex or gender bias.
3. The targeted victims of sex-selection abortions performed in the United States and worldwide are overwhelmingly female.
4. Sex-selection abortions are not expressly prohibited by United States law, and only seven States ban abortions for reason of sex selection at some point in pregnancy. Sex is an immutable characteristic ascertainable at the earliest stages of human development through existing medical technology and procedures commonly in use, including maternal-fetal bloodstream DNA sampling, amniocentesis, chorionic villus sampling or “CVS”, and obstetric ultrasound.
5. Sex-selection abortion reinforces sex discrimination and has no place in a civilized society.
6. Implicitly approving the discriminatory practices of sex-selection abortion by choosing not to prohibit them will reinforce sex discrimination, and coarsen society to the value of females.
7. Thus, Congress must to prohibit sex-selection abortion.

SECTION 3. DISCRIMINATION AGAINST THE UNBORN ON THE BASIS OF SEX.

1. Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

§ 250. Discrimination against the unborn on the basis of sex

1. In General. Whoever knowingly performs or attempts to perform the following acts shall be fined under this title or imprisoned not more than 5 years or both:
2. Performs an abortion knowing or with good reason to presume that such abortion is sought based on the sex or gender of the child;
3. Uses force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex-selection abortion;
4. Solicits or accepts funds for the performance of a sex-selection abortion; or
5. Transports a woman into the United States or across a State line for the purpose of obtaining a sex-selection abortion,
6. Civil Remedies.
7. CIVIL ACTION BY WOMAN ON WHOM ABORTION IS PERFORMED. A woman upon whom an abortion has been performed or attempted in violation of subsection (a)(2) may obtain appropriate relief in a civil action. Such relief may include money damages for all injuries, psychological and physical, including loss of companionship and support, occasioned by the violation.
8. CIVIL ACTION BY RELATIVES. The father of an unborn child who is the subject of an abortion performed or attempted in violation of subsection (a), or a maternal grandparent of the unborn child if the pregnant woman is an unemancipated minor, may in a civil action against any person who engaged in the violation, obtain appropriate relief, unless the pregnancy or abortion resulted from the plaintiff’s criminal conduct or the plaintiff consented to the abortion.
9. INJUNCTIVE RELIEF. A qualified plaintiff as described in (b)(6) may in a civil action obtain injunctive relief to prevent an abortion provider from performing or attempting further abortions in violation of this section.
10. Bar To Prosecution. A woman upon whom a sex-selection abortion is performed may not be prosecuted or held civilly liable for any violation of this section, or for a conspiracy to violate this section.
11. Reporting Requirement. A physician, physician’s assistant, nurse, counselor, or other medical or mental health professional shall report known or suspected violations of any of this section to appropriate law enforcement authorities. Whoever violates this requirement shall be fined under this title or imprisoned not more than 1 year, or both.
12. Protection Of Privacy In Court Proceedings. Except to the extent the Constitution or other similarly compelling reason requires, in every civil or criminal action under this section, the court shall make such orders as are necessary to protect the anonymity of any woman upon whom an abortion has been performed or attempted if she does not give her written consent to such disclosure.
13. Definitions. In this section:
14. The term ‘abortion’ means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to kill the unborn child of a woman known to be pregnant; or to terminate the pregnancy of a woman known to be pregnant, with an intention other than to remove a dead unborn child.
15. The term ‘sex-selection abortion’ means an abortion undertaken for purposes of eliminating an unborn child of an undesired sex.

SECTION 4. SEVERABILITY.

If any portion of this Act, or the amendments made by this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the portions or applications of this Act which can be given effect without the invalid portion or application.