

116TH CONGRESS
1ST SESSION

H. R. 4442

To amend title 18, United States Code, to prohibit prenatal genetic testing and abortions on the basis of sexual orientation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2019

Mr. DUFFY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit prenatal genetic testing and abortions on the basis of sexual orientation, 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 “Equal Right to Life
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) A 1993 study of the role of genetics in male
9 sexual orientation found a linkage between DNA
10 markers on the X chromosome.

1 (2) A 2019 study found same-sex sexual behav-
2 ior has a genetic component.

3 (3) As science advances, noninvasive prenatal
4 screening for sexual orientation could become a re-
5 ality in the near future.

6 (4) All unborn children, regardless of antici-
7 pated sexual orientation, are entitled to a right to
8 life.

9 **SEC. 3. RESTRICTION ON PRENATAL GENETIC TESTING**
10 **AND ABORTION BASED ON POSSIBLE SEXUAL**
11 **ORIENTATION.**

12 (a) IN GENERAL.—Chapter 74 of title 18, United
13 States Code, is amended—

14 (1) in the chapter heading by striking “**PAR-**
15 **TIAL-BIRTH**”; and

16 (2) by inserting after section 1531 the fol-
17 lowing:

18 **“§ 1532. Prenatal genetic testing and abortion based**
19 **on possible sexual orientation**

20 “(a) GENETIC TESTING.—Any physician who, in or
21 affecting interstate or foreign commerce, performs a ge-
22 netic test to identify the likely sexual orientation of the
23 child shall be fined under this title and imprisoned for not
24 less than 1 year and not more than 10 years.

1 “(b) ABORTION PERFORMED POST-PRENATAL GE-
 2 NETIC TESTING FOR SEXUAL ORIENTATION.—Any physi-
 3 cian who, in or affecting interstate or foreign commerce,
 4 knowingly performs an abortion and thereby kills a human
 5 fetus in the case that the mother underwent genetic test-
 6 ing prohibited under subsection (a) and seeks the abortion
 7 because of the results of that test, shall be fined under
 8 this title and imprisoned for not less than 10 years or im-
 9 prisoned for life.

10 “(c) LIABILITY OF THE PATIENT.—A patient upon
 11 whom an abortion is performed may not be prosecuted
 12 under this section or for a conspiracy to violate this sec-
 13 tion.”.

14 (b) CLERICAL AMENDMENT.—

15 (1) CHAPTER 74.—The table of sections for
 16 chapter 74 is amended by inserting after the item
 17 relating to section 1531 the following:

“1532. Prenatal genetic testing and abortion based on possible sexual orienta-
 tion.”.

18 (2) PART I.—The table of chapters at the be-
 19 ginning of part I of title 18, United States Code, is
 20 amended by striking the item relating to chapter 74
 21 and inserting the following:

“74. Abortions 1531”.

