

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2019

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

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## 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”.