

S. XX

To outlaw abortions procured on the basis of the race, sex, or disability of an unborn child, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2022

Mr. BROWN (for himself, Mr. XX) introduced the following bill;

A BILL

To outlaw abortions procured on the basis of the race, sex, or disability of an unborn child, 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 “End of American Eugenics Act of 2022”.

SEC. 2. MEDICAL PROVISIONS.

(a) IN GENERAL.—[Chapter 13 of title 18, United States Code](#), is amended by appending the following section:

“§ 251. **Discrimination against the unborn on the basis of race, sex, or disability.**

“(a) IN GENERAL.—Whoever knowingly—

“(i) performs an abortion knowing that such abortion is sought based on the sex, gender, disability, color or race of the child, or the race of a parent of that child;

- “(ii) uses force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex-selective abortion, race-selective abortion, or abortion sought based on the disability of the child;
 - “(iii) solicits or accepts funds for the performance of a sex-selective abortion, race-selective abortion, or abortion sought based on the disability of the child; or
 - “(iv) knowingly transports a woman across the border between two or more of the several States for the purpose of obtaining a sex-selective abortion, race-selective abortion, or abortion sought based on the disability of the child;
- or attempts to do so, shall be fined up to \$100,000 or imprisoned not more than 15 years, or both.

“(b) CIVIL REMEDIES.—

- “(i) 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)(ii) may, in a civil action against any person who engaged in a violation of subsection (a), obtain appropriate relief.
- “(ii) 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.
- “(iii) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—
 - “(1) objectively verifiable money damages for all injuries, psychological and physical, including loss of companionship and support, occasioned by the violation of this section; and
 - “(2) punitive damages.
- “(iv) INJUNCTIVE RELIEF.—
 - “(1) IN GENERAL.—A qualified plaintiff may, in a civil action, obtain injunctive relief to prevent an abortion provider from performing or attempting to perform, further abortions in violation of this section.
 - “(2) DEFINITION.—In this paragraph the term ‘qualified plaintiff’ means—
 - “(a) a woman upon whom an abortion is performed or attempted in violation of this section;

- “(b) a maternal grandparent of the unborn child if the woman upon whom an abortion is performed or attempted in violation of this section is an unemancipated minor;
 - “(c) the father of an unborn child who is the subject of an abortion performed or attempted in violation of subsection (a); or
 - “(d) the Attorney General.
- “(v) ATTORNEYS FEES FOR PLAINTIFF.—The court shall award a reasonable attorney’s fee as part of the costs to a prevailing plaintiff in a civil action under this subsection.
- “(c) EXCEPTION.—A woman upon whom a sex-selective or race-selective 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.
- “(d) REPORTING REQUIREMENT.—A physician, physician’s assistant, nurse, counselor, or any other medical or mental health professional otherwise subject to a law establishing a duty to report shall report known or suspected violations of any of this section to appropriate law enforcement authorities. Whoever violates this requirement shall be fined up to \$10,000 or imprisoned not more than 1 year, or both.
- “(e) PROTECTION OF PRIVACY IN COURT PROCEEDINGS.—
- “(i) IN GENERAL.—Except to the extent the Constitution or other another 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. Such orders may be made upon motion, but shall be made sua sponte if not otherwise sought by a party.
 - “(ii) ORDERS TO PARTIES, WITNESSES, AND COUNSEL.—The court shall issue appropriate orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the identity of the woman described in paragraph (1) from public disclosure.
 - “(iii) PSEUDONYM REQUIRED.—In the absence of written consent of the woman upon whom an abortion has been performed or attempted, any party, other than a public official, who brings an action under this section shall do so under a pseudonym.

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