

Union Calendar No. 349

112TH CONGRESS
2^D SESSION

H. R. 3541

[Report No. 112-496]

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2011

Mr. FRANKS of Arizona (for himself, Mr. COLE, Mr. HUELSKAMP, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. POSEY, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. HULTGREN, Mr. GARRETT, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. FORBES, Mr. WILSON of South Carolina, Mr. STUTZMAN, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. HARRIS, Mr. YODER, Mr. WALBERG, Mr. BOREN, Mr. BARTLETT, Mr. SMITH of Texas, Mr. LIPINSKI, Mrs. BLACK, Mr. BOUSTANY, Mr. WESTMORELAND, Mr. PEARCE, Mr. HUIZENGA of Michigan, Mr. ROSS of Florida, Mr. KINZINGER of Illinois, Mr. BURTON of Indiana, Mr. AKIN, Mr. FORTENBERRY, Mr. JONES, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, Mr. CRAWFORD, Mr. McCAUL, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. MCHENRY, Mr. LATTA, Mrs. ROBY, Mr. SCALISE, Mr. FARENTHOLD, Mr. MCCOTTER, Mr. COBLE, Mr. MILLER of Florida, Mr. PETERSON, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 29, 2012

Additional sponsors: Mr. CRAVAACK, Mr. CANSECO, Mr. KELLY, Mr. KING of Iowa, Mrs. BACHMANN, Mr. HERGER, Mr. NUNNELEE, Mr. POE of Texas, Mr. ALEXANDER, Mr. DUFFY, Mr. JOHNSON of Ohio, Mr. DUNCAN of South Carolina, Mr. GOWDY, Mr. HALL, Mr. ROKITA, Mr. LUETKEMEYER, Mr. KINGSTON, Mr. AUSTIN SCOTT of Georgia, Mr. JORDAN, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. MARCHANT, Mr. CONAWAY, Mrs. ELLMERS, Mr. GOODLATTE, Mr. AUSTRIA, Mr. GRIFFIN of Arkansas, Mr. FLAKE, Mr. HUNTER, Mr. LANDRY, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. POMPEO, Mr. WEST, Mr. STIVERS, Mr. OLSON, Mr. SCHWEIKERT, Mr. GINGREY of Georgia, Mr. CULBERSON, Mr. PALAZZO, Mr. BENISHEK, Mr. LOBIONDO, Mr. BUCSHON, and Mr. GOSAR

MAY 29, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on December 1, 2011]

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 2012”.*

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

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

9 (1) *SEX DISCRIMINATION FINDINGS.—*

10 (A) *Women are a vital part of American so-*
11 *ciety and culture and possess the same funda-*
12 *mental human rights and civil rights as men.*

13 (B) *United States law prohibits the dis-*
14 *similar treatment of males and females who are*
15 *similarly situated and prohibits sex discrimina-*
16 *tion in various contexts, including the provision*
17 *of employment, education, housing, health insur-*
18 *ance coverage, and athletics.*

19 (C) *Sex is an immutable characteristic as-*
20 *certainable at the earliest stages of human devel-*
21 *opment through existing medical technology and*
22 *procedures commonly in use, including mater-*
23 *nal-fetal bloodstream DNA sampling,*
24 *amniocentesis, chorionic villus sampling or*
25 *“CVS”, and obstetric ultrasound. In addition to*

1 *medically assisted sex-determination, a growing*
2 *sex-determination niche industry has developed*
3 *and is marketing low-cost commercial products,*
4 *widely advertised and available, that aid in the*
5 *sex determination of an unborn child without the*
6 *aid of medical professionals. Experts have dem-*
7 *onstrated that the sex-selection industry is on the*
8 *rise and predict that it will continue to be a*
9 *growing trend in the United States. Sex deter-*
10 *mination is always a necessary step to the pro-*
11 *curement of a sex-selection abortion.*

12 (D) A “sex-selection abortion” is an abor-
13 tion undertaken for purposes of eliminating an
14 unborn child of an undesired sex. Sex-selection
15 abortion is barbaric, and described by scholars
16 and civil rights advocates as an act of sex-based
17 or gender-based violence, predicated on sex dis-
18 crimination. Sex-selection abortions are typi-
19 cally late-term abortions performed in the 2nd or
20 3rd trimester of pregnancy, after the unborn
21 child has developed sufficiently to feel pain. Sub-
22 stantial medical evidence proves that an unborn
23 child can experience pain at 20 weeks after con-
24 ception, and perhaps substantially earlier. By
25 definition, sex-selection abortions do not impli-

1 cate the health of the mother of the unborn, but
2 instead are elective procedures motivated by sex
3 or gender bias.

4 (E) *The targeted victims of sex-selection*
5 *abortions performed in the United States and*
6 *worldwide are overwhelmingly female. The selec-*
7 *tive abortion of females is female infanticide, the*
8 *intentional killing of unborn females, due to the*
9 *preference for male offspring or “son preference”.*
10 *Son preference is reinforced by the low value as-*
11 *sociated, by some segments of the world commu-*
12 *nity, with female offspring. Those segments tend*
13 *to regard female offspring as financial burdens*
14 *to a family over their lifetime due to their per-*
15 *ceived inability to earn or provide financially*
16 *for the family unit as can a male. In addition,*
17 *due to social and legal convention, female off-*
18 *spring are less likely to carry on the family*
19 *name. “Son preference” is one of the most evi-*
20 *dent manifestations of sex or gender discrimina-*
21 *tion in any society, undermining female equal-*
22 *ity, and fueling the elimination of females’ right*
23 *to exist in instances of sex-selection abortion.*

24 (F) *Sex-selection abortions are not expressly*
25 *prohibited by United States law or the laws of*

1 *47 States. Sex-selection abortions are performed*
2 *in the United States. In a March 2008 report*
3 *published in the Proceedings of the National*
4 *Academy of Sciences, Columbia University*
5 *economists Douglas Almond and Lena Edlund*
6 *examined the sex ratio of United States-born*
7 *children and found “evidence of sex selection,*
8 *most likely at the prenatal stage”. The data re-*
9 *vealed obvious “son preference” in the form of*
10 *unnatural sex-ratio imbalances within certain*
11 *segments of the United States population, pri-*
12 *marily those segments tracing their ethnic or*
13 *cultural origins to countries where sex-selection*
14 *abortion is prevalent. The evidence strongly sug-*
15 *gests that some Americans are exercising sex-se-*
16 *lection abortion practices within the United*
17 *States consistent with discriminatory practices*
18 *common to their country of origin, or the coun-*
19 *try to which they trace their ancestry. While sex-*
20 *selection abortions are more common outside the*
21 *United States, the evidence reveals that female*
22 *feticide is also occurring in the United States.*

23 *(G) The American public supports a prohi-*
24 *bition of sex-selection abortion. In a March 2006*
25 *Zogby International poll, 86 percent of Ameri-*

1 cans agreed that sex-selection abortion should be
2 illegal, yet only 3 States proscribe sex-selection
3 abortion.

4 (H) Despite the failure of the United States
5 to proscribe sex-selection abortion, the United
6 States Congress has expressed repeatedly, through
7 Congressional resolution, strong condemnation of
8 policies promoting sex-selection abortion in the
9 “Communist Government of China”. Likewise, at
10 the 2007 United Nation’s Annual Meeting of the
11 Commission on the Status of Women, 51st Ses-
12 sion, the United States delegation spearheaded a
13 resolution calling on countries to condemn sex-se-
14 lective abortion, a policy directly contradictory
15 to the permissiveness of current United States
16 law, which places no restriction on the practice
17 of sex-selection abortion. The United Nations
18 Commission on the Status of Women has urged
19 governments of all nations “to take necessary
20 measures to prevent . . . prenatal sex selection”.

21 (I) A 1990 report by Harvard University
22 economist Amartya Sen, estimated that more
23 than 100 million women were “demographically
24 missing” from the world as early as 1990 due to
25 sexist practices, including sex-selection abortion.

1 *Many experts believe sex-selection abortion is the*
2 *primary cause. Current estimates of women*
3 *missing from the world range in the hundreds of*
4 *millions.*

5 *(J) Countries with longstanding experience*
6 *with sex-selection abortion—such as the Republic*
7 *of India, the United Kingdom, and the People’s*
8 *Republic of China—have enacted restrictions on*
9 *sex-selection, and have steadily continued to*
10 *strengthen prohibitions and penalties. The*
11 *United States, by contrast, has no law in place*
12 *to restrict sex-selection abortion, establishing the*
13 *United States as affording less protection from*
14 *sex-based feticide than the Republic of India or*
15 *the People’s Republic of China, whose recent*
16 *practices of sex-selection abortion were vehe-*
17 *mently and repeatedly condemned by United*
18 *States congressional resolutions and by the*
19 *United States Ambassador to the Commission on*
20 *the Status of Women. Public statements from*
21 *within the medical community reveal that citi-*
22 *zens of other countries come to the United States*
23 *for sex-selection procedures that would be crimi-*
24 *nal in their country of origin. Because the*
25 *United States permits abortion on the basis of*

1 *sex, the United States may effectively function as*
2 *a “safe haven” for those who seek to have Amer-*
3 *ican physicians do what would otherwise be*
4 *criminal in their home countries—a sex-selection*
5 *abortion, most likely late-term.*

6 *(K) The American medical community op-*
7 *poses sex-selection. The American Congress of*
8 *Obstetricians and Gynecologists, commonly*
9 *known as “ACOG,” stated in its 2007 Ethics*
10 *Committee Opinion, Number 360, that sex-selec-*
11 *tion is inappropriate because it “ultimately sup-*
12 *ports sexist practices.” The American Society of*
13 *Reproductive Medicine (commonly known as*
14 *“ASRM”) 2004 Ethics Committee Opinion on*
15 *sex-selection notes that central to the controversy*
16 *of sex-selection is the potential for “inherent gen-*
17 *der discrimination”, . . .the “risk of psycho-*
18 *logical harm to sex-selected offspring (i.e., by*
19 *placing on them expectations that are too*
20 *high),”. . . and “reinforcement of gender bias in*
21 *society as a whole.” Embryo sex-selection, ASRM*
22 *notes, remains “vulnerable to the judgment that*
23 *no matter what its basis, [the method] identifies*
24 *gender as a reason to value one person over an-*
25 *other, and it supports socially constructed stereo-*

1 *types of what gender means.” In doing so, it not*
2 *only “reinforces possibilities of unfair discrimi-*
3 *nation, but may trivialize human reproduction*
4 *by making it depend on the selection of non-*
5 *essential features of offspring.” The ASRM ethics*
6 *opinion continues, “ongoing problems with the*
7 *status of women in the United States make it*
8 *necessary to take account of concerns for the im-*
9 *port of sex-selection on goals of gender equality.”*
10 *The American Association of Pro-Life Obstetri-*
11 *cians and Gynecologists, an organization with*
12 *hundreds of members - many of whom are former*
13 *abortionists - makes the following declaration:*
14 *“Sex selection abortions are more graphic exam-*
15 *ples of the damage that abortion inflicts on*
16 *women. In addition to increasing premature*
17 *labor in subsequent pregnancies, increasing sui-*
18 *cide and major depression, and increasing the*
19 *risk of breast cancer in teens who abort their*
20 *first pregnancy and delay childbearing, sex selec-*
21 *tion abortions are often targeted at fetuses sim-*
22 *ply because the fetus is female. As physicians*
23 *who care for both the mother and her unborn*
24 *child, the American Association of Pro-Life Ob-*
25 *stetricians and Gynecologists vigorously opposes*

1 *aborting fetuses because of their gender.” The*
2 *President’s Council on Bioethics published a*
3 *Working Paper stating the council’s belief that*
4 *society’s respect for reproductive freedom does*
5 *not prohibit the regulation or prohibition of “sex*
6 *control,” defined as the use of various medical*
7 *technologies to choose the sex of one’s child. The*
8 *publication expresses concern that “sex control*
9 *might lead to . . .dehumanization and a new eu-*
10 *genics.”*

11 *(L) Sex-selection abortion results in an un-*
12 *natural sex-ratio imbalance. An unnatural sex-*
13 *ratio imbalance is undesirable, due to the inabil-*
14 *ity of the numerically predominant sex to find*
15 *mates. Experts worldwide document that a sig-*
16 *nificant sex-ratio imbalance in which males nu-*
17 *merically predominate can be a cause of in-*
18 *creased violence and militancy within a society.*
19 *Likewise, an unnatural sex-ratio imbalance gives*
20 *rise to the commoditization of humans in the*
21 *form of human trafficking, and a consequent in-*
22 *crease in kidnapping and other violent crime.*

23 *(M) Sex-selection abortions have the effect of*
24 *diminishing the representation of women in the*

1 *American population, and therefore, the Amer-*
2 *ican electorate.*

3 *(N) Sex-selection abortion reinforces sex dis-*
4 *crimination and has no place in a civilized soci-*
5 *ety.*

6 *(2) RACIAL DISCRIMINATION FINDINGS.—*

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

11 *(B) United States law prohibits the dis-*
12 *similar treatment of persons of different races*
13 *who are similarly situated. United States law*
14 *prohibits discrimination on the basis of race in*
15 *various contexts, including the provision of em-*
16 *ployment, education, housing, health insurance*
17 *coverage, and athletics.*

18 *(C) A “race-selection abortion” is an abor-*
19 *tion performed for purposes of eliminating an*
20 *unborn child because the child or a parent of the*
21 *child is of an undesired race. Race-selection*
22 *abortion is barbaric, and described by civil*
23 *rights advocates as an act of race-based violence,*
24 *predicated on race discrimination. By definition,*
25 *race-selection abortions do not implicate the*

1 *health of mother of the unborn, but instead are*
2 *elective procedures motivated by race bias.*

3 *(D) Only one State, Arizona, has enacted*
4 *law to proscribe the performance of race-selection*
5 *abortions.*

6 *(E) Race-selection abortions have the effect*
7 *of diminishing the number of minorities in the*
8 *American population and therefore, the Amer-*
9 *ican electorate.*

10 *(F) Race-selection abortion reinforces racial*
11 *discrimination and has no place in a civilized*
12 *society.*

13 (3) *GENERAL FINDINGS.—*

14 *(A) The history of the United States in-*
15 *cludes examples of both sex discrimination and*
16 *race discrimination. The people of the United*
17 *States ultimately responded in the strongest pos-*
18 *sible legal terms by enacting constitutional*
19 *amendments correcting elements of such dis-*
20 *crimination. Women, once subjected to sex dis-*
21 *crimination that denied them the right to vote,*
22 *now have suffrage guaranteed by the 19th*
23 *amendment. African-Americans, once subjected*
24 *to race discrimination through slavery that de-*
25 *nyed them equal protection of the laws, now have*

1 *that right guaranteed by the 14th amendment.*
2 *The elimination of discriminatory practices has*
3 *been and is among the highest priorities and*
4 *greatest achievements of American history.*

5 *(B) Implicitly approving the discrimina-*
6 *tory practices of sex-selection abortion and race-*
7 *selection abortion by choosing not to prohibit*
8 *them will reinforce these inherently discrimina-*
9 *tory practices, and evidence a failure to protect*
10 *a segment of certain unborn Americans because*
11 *those unborn are of a sex or racial makeup that*
12 *is disfavored. Sex-selection and race-selection*
13 *abortions trivialize the value of the unborn on*
14 *the basis of sex or race, reinforcing sex and race*
15 *discrimination, and coarsening society to the hu-*
16 *manity of all vulnerable and innocent human*
17 *life, making it increasingly difficult to protect*
18 *such life. Thus, Congress has a compelling inter-*
19 *est in acting—indeed it must act—to prohibit*
20 *sex-selection abortion and race-selection abortion.*

21 **(b) CONSTITUTIONAL AUTHORITY.**—*In accordance*
22 *with the above findings, Congress enacts the following pur-*
23 *suant to Congress' power under—*

24 *(1) the Commerce Clause;*

25 *(2) section 2 of the 13th amendment;*

1 (3) *section 5 of the 14th amendment, including*
 2 *the power to enforce the prohibition on government*
 3 *action denying equal protection of the laws; and*

4 (4) *section 8 of article I to make all laws nec-*
 5 *essary and proper for the carrying into execution of*
 6 *powers vested by the Constitution in the Government*
 7 *of the United States.*

8 **SEC. 3. DISCRIMINATION AGAINST THE UNBORN ON THE**
 9 **BASIS OF RACE OR SEX.**

10 (a) *IN GENERAL.*—Chapter 13 of title 18, United
 11 States Code, is amended by adding at the end the following:

12 **“§250. Discrimination against the unborn on the**
 13 **basis of race or sex**

14 “(a) *IN GENERAL.*—Whoever knowingly—

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

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

22 “(3) *solicits or accepts funds for the performance*
 23 *of a sex-selection abortion or a race-selection abortion;*
 24 *or*

1 “(4) transports a woman into the United States
2 or across a State line for the purpose of obtaining a
3 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 pursuant to a violation
10 of subsection (a)(2) may in a civil action against any
11 person who engaged in a violation of subsection (a)
12 obtain appropriate relief.

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

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

24 “(A) objectively verifiable money damages
25 for all injuries, psychological and physical, in-

1 *cluding loss of companionship and support, occa-*
2 *sioned by the violation of this section; and*

3 *“(B) punitive damages.*

4 *“(4) INJUNCTIVE RELIEF.—*

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

10 *“(B) DEFINITION.—In this paragraph the*
11 *term ‘qualified plaintiff’ means—*

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

15 *“(ii) any person who is the spouse or*
16 *parent of a woman upon whom an abortion*
17 *is performed in violation of this section; or*

18 *“(iii) the Attorney General.*

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

23 *“(c) LOSS OF FEDERAL FUNDING.—A violation of sub-*
24 *section (a) shall be deemed for the purposes of title VI of*

1 *the Civil Rights Act of 1964 to be discrimination prohibited*
2 *by section 601 of that Act.*

3 “(d) *REPORTING REQUIREMENT.—A physician, physi-*
4 *cian’s assistant, nurse, counselor, or other medical or men-*
5 *tal health professional shall report known or suspected vio-*
6 *lations of any of this section to appropriate law enforce-*
7 *ment authorities. Whoever violates this requirement shall be*
8 *fined under this title or imprisoned not more than 1 year,*
9 *or both.*

10 “(e) *EXPEDITED CONSIDERATION.—It shall be the*
11 *duty of the United States district courts, United States*
12 *courts of appeal, and the Supreme Court of the United*
13 *States to advance on the docket and to expedite to the great-*
14 *est possible extent the disposition of any matter brought*
15 *under this section.*

16 “(f) *EXCEPTION.—A woman upon whom a sex-selec-*
17 *tion or race-selection abortion is performed may not be*
18 *prosecuted or held civilly liable for any violation of this*
19 *section, or for a conspiracy to violate this section.*

20 “(g) *PROTECTION OF PRIVACY IN COURT PRO-*
21 *CEEDINGS.—*

22 “(1) *IN GENERAL.—Except to the extent the Con-*
23 *stitution or other similarly compelling reason re-*
24 *quires, in every civil or criminal action under this*
25 *section, the court shall make such orders as are nec-*

1 *essary to protect the anonymity of any woman upon*
2 *whom an abortion has been performed or attempted*
3 *if she does not give her written consent to such disclo-*
4 *sure. Such orders may be made upon motion, but*
5 *shall be made sua sponte if not otherwise sought by*
6 *a party.*

7 *“(2) ORDERS TO PARTIES, WITNESSES, AND*
8 *COUNSEL.—The court shall issue appropriate orders*
9 *under paragraph (1) to the parties, witnesses, and*
10 *counsel and shall direct the sealing of the record and*
11 *exclusion of individuals from courtrooms or hearing*
12 *rooms to the extent necessary to safeguard her iden-*
13 *tity from public disclosure. Each such order shall be*
14 *accompanied by specific written findings explaining*
15 *why the anonymity of the woman must be preserved*
16 *from public disclosure, why the order is essential to*
17 *that end, how the order is narrowly tailored to serve*
18 *that interest, and why no reasonable less restrictive*
19 *alternative exists.*

20 *“(3) PSEUDONYM REQUIRED.—In the absence of*
21 *written consent of the woman upon whom an abortion*
22 *has been performed or attempted, any party, other*
23 *than a public official, who brings an action under*
24 *this section shall do so under a pseudonym.*

1 “(4) *LIMITATION.*—*This subsection shall not be*
 2 *construed to conceal the identity of the plaintiff or of*
 3 *witnesses from the defendant or from attorneys for the*
 4 *defendant.*

5 “(h) *DEFINITION.*—*The term ‘abortion’ means the act*
 6 *of using or prescribing any instrument, medicine, drug, or*
 7 *any other substance, device, or means with the intent to*
 8 *terminate the clinically diagnosable pregnancy of a woman,*
 9 *with knowledge that the termination by those means will*
 10 *with reasonable likelihood cause the death of the unborn*
 11 *child, unless the act is done with the intent to—*

12 “(1) *save the life or preserve the health of the un-*
 13 *born child;*

14 “(2) *remove a dead unborn child caused by spon-*
 15 *taneous abortion; or*

16 “(3) *remove an ectopic pregnancy.”.*

17 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
 18 *the beginning of chapter 13 of title 18, United States Code,*
 19 *is amended by adding after the item relating to section 249*
 20 *the following new item:*

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

21 **SEC. 4. SEVERABILITY.**

22 *If any portion of this Act or the application thereof*
 23 *to any person or circumstance is held invalid, such inva-*
 24 *lidity shall not affect the portions or applications of this*

- 1 *Act which can be given effect without the invalid portion*
- 2 *or application.*

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