(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend title 18, United States Code, to prohibit discrimination by abortion against an unborn child on the basis of Turner syndrome.

IN THE HOUSE OF REPRESENTATIVES

Mr. FEENSTRA introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 18, United States Code, to prohibit discrimination by abortion against an unborn child on the basis of Turner syndrome.

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 "Protecting Girls with Turner Syndrome Act of 2023".

1 **SEC. 2. DISCRIMINATION BY ABORTION AGAINST AN UN-**
2 **BORN CHILD ON THE BASIS OF TURNER SYN-**
3 **DROME PROHIBITED.**

4 (a) IN GENERAL.—Chapter 13 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **"§ 250. Discrimination by abortion against an unborn**
8 **child on the basis of Turner syndrome**
9 **prohibited**

10 "(a) DEFINITIONS.—In this section:

11 "(1) ABORTION.—The term 'abortion' means
12 the act of using or prescribing any instrument, med-
13 icine, drug, or any other substance, device, or means
14 with the intent to—

15 "(A) kill the unborn child of a woman
16 known to be pregnant; or

17 "(B) terminate the pregnancy of a woman
18 known to be pregnant, with an intention other
19 than—

20 "(i) to produce a live birth and pre-
21 serve the life and health of the child born
22 alive;

23 "(ii) to save the life of the pregnant
24 woman; or

25 "(iii) to remove a dead unborn child.

1 "(2) TURNER SYNDROME.—The term 'Turner
2 syndrome' means a chromosomal disorder associated
3 with—
4 "(A) a missing X chromosome; or
5 "(B) a partially missing X chromosome.
6 "(3) QUALIFIED PLAINTIFF.—The term 'quali-
7 fied plaintiff' means—
8 "(A) a woman upon whom an abortion is
9 performed or attempted in violation of this sec-
10 tion;
11 "(B) a maternal grandparent of the un-
12 born child if the woman upon whom an abortion
13 is performed or attempted in violation of this
14 section is an unemancipated minor;
15 "(C) the father of an unborn child who is
16 the subject of an abortion performed or at-
17 tempted in violation of this section unless the
18 pregnancy or abortion resulted from the crimi-
19 nal conduct of the father; or
20 "(D) the Attorney General.
21 "(4) UNBORN CHILD.—The term 'unborn child'
22 means an individual of the species homo sapiens
23 from the beginning of the biological development of
24 that individual, including fertilization, until the point

1 of being born alive, as defined in section 8(b) of title
2 1.
3 "(b) OFFENSE.—It shall be unlawful to—
4 "(1) perform an abortion—
5 "(A) with the knowledge that a pregnant
6 woman is seeking an abortion, in whole or in
7 part, on the basis of—
8 "(i) a test result indicating that the
9 unborn child has Turner syndrome;
10 "(ii) a prenatal diagnosis that the un-
11 born child has Turner syndrome; or
12 "(iii) any other reason to believe that
13 the unborn child has or may have Turner
14 syndrome; or
15 "(B) without first—
16 "(i) asking the pregnant woman if she
17 is aware of any test results, prenatal diag-
18 nosis, or any other evidence that the un-
19 born child has or may have Turner syn-
20 drome; and
21 "(ii) if the woman is aware that the
22 unborn child has or may have Turner syn-
23 drome, informing the pregnant woman of
24 the prohibitions on abortion under this sec-
25 tion;

1 "(2) use force or the threat of force to inten-
2 tionally injure or intimidate any person for the pur-
3 pose of coercing an abortion described in paragraph
4 (1)(A);
5 "(3) solicit or accept funds for the performance
6 of an abortion described in paragraph (1)(A); or
7 "(4) knowingly transport a woman into the
8 United States or across a State line for the purpose
9 of obtaining an abortion described in paragraph
10 (1)(A).
11 "(c) CRIMINAL PENALTY.—Any person that violates,
12 or attempts to violate, subsection (b) shall be fined under
13 this title, imprisoned not more than 5 years, or both.
14 "(d) CIVIL REMEDIES.—
15 "(1) CIVIL ACTION BY WOMAN ON WHOM ABOR-
16 TION IS PERFORMED.—A woman upon whom an
17 abortion has been performed or attempted in viola-
18 tion of subsection (b)(2) may bring a civil action in
19 an appropriate court against any person who en-
20 gaged in a violation of subsection (b)(2) to obtain
21 appropriate relief.
22 "(2) CIVIL ACTION BY RELATIVES.—
23 "(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the father of an unborn
25 child who is the subject of an abortion per-

1 formed or attempted in violation of subsection
2 (b), or a maternal grandparent of the unborn
3 child if the pregnant woman is an
4 unemancipated minor, may bring a civil action
5 in an appropriate court against any person who
6 engaged in the violation to obtain appropriate
7 relief.
8 "(B) EXCEPTIONS.—Subparagraph (A)
9 shall not apply if—
10 "(i) the pregnancy or abortion re-
11 sulted from the criminal conduct of the
12 plaintiff described in subparagraph (A); or
13 "(ii) the plaintiff described in sub-
14 paragraph (A) consented to the abortion.
15 "(3) APPROPRIATE RELIEF.—Appropriate relief
16 in a civil action under this subsection includes—
17 "(A) objectively verifiable money damages
18 for all injuries, psychological and physical, in-
19 cluding loss of companionship and support, oc-
20 casioned by the violation of this section; and
21 "(B) punitive damages.
22 "(4) INJUNCTIVE RELIEF.—A qualified plaintiff
23 may bring a civil action in an appropriate court to
24 obtain injunctive relief to prevent an abortion pro-

1 vider from performing or attempting further abor-
2 tions in violation of this section.
3 "(5) ATTORNEY'S FEES FOR PLAINTIFF.—The
4 court shall award a reasonable attorney's fee as part
5 of the costs to a prevailing plaintiff in a civil action
6 under this subsection.
7 "(e) BAR TO PROSECUTION.—A woman upon whom
8 an abortion is performed may not be prosecuted or held
9 civilly liable for any violation of this section or for a con-
10 spiracy to violate this section.
11 "(f) LOSS OF FEDERAL FUNDING.—A violation of
12 subsection (b) shall be deemed discrimination for the pur-
13 poses of section 504 of the Rehabilitation Act of 1973 (29
14 U.S.C. 794).
15 "(g) REPORTING REQUIREMENT.—
16 "(1) IN GENERAL.—A physician, physician's as-
17 sistant, nurse, counselor, or other medical or mental
18 health professional shall report known or suspected
19 violations of any of this section to appropriate law
20 enforcement authorities.
21 "(2) CRIMINAL PENALTY.—Any person who vio-
22 lates paragraph (1) shall be fined under this title,
23 imprisoned not more than 1 year, or both.
24 "(h) EXPEDITED CONSIDERATION.—It shall be the
25 duty of the district courts of the United States, the courts

1 of appeals of the United States, and the Supreme Court
2 of the United States to advance on the docket and to expe-
3 dite to the greatest possible extent the disposition of any
4 matter brought under this section.

5 "(i) PROTECTION OF PRIVACY IN COURT PRO-
6 CEEDINGS.—

7 "(1) IN GENERAL.—Except to the extent the
8 Constitution of the United States or other similarly
9 compelling reason requires, in every civil or criminal
10 action under this section, the court shall make such
11 orders as are necessary to protect the anonymity of
12 any woman upon whom an abortion has been per-
13 formed or attempted if she does not give her written
14 consent to such disclosure. Such orders may be
15 made upon motion, but shall be made sua sponte if
16 not otherwise sought by a party.

17 "(2) ORDERS TO PARTIES, WITNESSES, AND
18 COUNSEL.—The court shall issue appropriate orders
19 to the parties, witnesses, and counsel and shall di-
20 rect the sealing of the record and exclusion of indi-
21 viduals from courtrooms or hearing rooms to the ex-
22 tent necessary to safeguard the identity of a woman
23 described in paragraph (1) from public disclosure.

24 "(3) PSEUDONYM REQUIRED.—In the absence
25 of written consent of the woman upon whom an

1 abortion has been performed or attempted, any
2 party, other than a public official, who brings an ac-
3 tion under this section shall do so under a pseu-
4 donym.

5 "(4) LIMITATION.—This subsection may not be
6 construed to conceal the identity of the plaintiff or
7 of witnesses from the defendant or from attorneys
8 for the defendant.".

9 (b) CLERICAL AMENDMENT.—The table of sections
10 of chapter 13 of title 18, United States Code, is amended
11 by adding at the end the following:

"250. Discrimination by abortion against an unborn child on the basis of Turner syndrome prohibited.".

12 **SEC. 3. SEVERABILITY.**

13 If any portion of this Act, or the amendments made
14 by this Act, or the application thereof to any person or
15 circumstance is held invalid, such invalidity shall not af-
16 fect the portions or applications of this Act which can be
17 given effect without the invalid portion or application.