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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To prohibit the performance of gender-related medical treatment on minors, to amend title XVIII of the Social Security Act to prohibit payment and participation under the Medicare program with respect to such treatment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. MACE introduced the following bill; which was referred to the Committee
on _____

A BILL

To prohibit the performance of gender-related medical treatment on minors, to amend title XVIII of the Social Security Act to prohibit payment and participation under the Medicare program with respect to such treatment, 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 “Childhood Genital Mu-
5 tilation Prevention Act”.

1 **SEC. 2. PROHIBITING GENDER-RELATED MEDICAL TREAT-**
2 **MENT FOR MINORS.**

3 (a) IN GENERAL.—Chapter 7 of title 18, United
4 States Code, is amended by inserting after section 116 the
5 following new section:

6 **“§ 116A. Gender-related medical treatment furnished**
7 **to minors.**

8 “(a) IN GENERAL.—Subject to subsection (c), who-
9 ever, in a circumstance described in subsection (b), know-
10 ingly performs or attempts to perform a gender-related
11 medical treatment on a minor, shall be fined under this
12 title, imprisoned not more than 10 years, or both.

13 “(b) CIRCUMSTANCES DESCRIBED.—For the pur-
14 poses of subsection (a), the circumstances described in this
15 subsection are that—

16 “(1) the offender or victim traveled in inter-
17 state or foreign commerce, or traveled using a
18 means, channel, facility, or instrumentality of inter-
19 state or foreign commerce, in furtherance of or in
20 connection with the conduct described in subsection
21 (a);

22 “(2) the offender used a means, channel, facil-
23 ity, or instrumentality of interstate or foreign com-
24 merce in furtherance of or in connection with the
25 conduct described in subsection (a);

1 “(3) any payment of any kind was made, di-
2 rectly or indirectly, in furtherance of or in connec-
3 tion with the conduct described in subsection (a)
4 using any means, channel, facility, or instrumen-
5 tality of interstate or foreign commerce or in or af-
6 fecting interstate or foreign commerce;

7 “(4) the offender transmitted in interstate or
8 foreign commerce any communication relating to or
9 in furtherance of the conduct described in subsection
10 (a) using any means, channel, facility, or instrumen-
11 tality of interstate or foreign commerce or in or af-
12 fecting interstate or foreign commerce by any means
13 or in manner, including by computer, mail, wire, or
14 electromagnetic transmission;

15 “(5) any instrument, item, substance, or other
16 object that has traveled in interstate or foreign com-
17 merce was used to perform the conduct described in
18 subsection (a);

19 “(6) the conduct described in subsection (a) oc-
20 curred within the special maritime and territorial ju-
21 risdiction of the United States, or any territory or
22 possession of the United States; or

23 “(7) the conduct described in subsection (a)
24 otherwise occurred in or affected interstate or for-
25 eign commerce.

1 “(c) EXCEPTIONS.—

2 “(1) IN GENERAL.—An individual who provides
3 gender-related medical treatment to a minor shall
4 not be considered to have violated the prohibition in
5 subsection (a) if such medical treatment is provided
6 to such minor for purposes of treating—

7 “(A) a disorder of sex development, diag-
8 nosed by a physician after such physician has
9 determined through genetic or biochemical test-
10 ing that such minor does not have normal sex
11 chromosome structure, sex steroid hormone pro-
12 duction, or sex steroid hormone action;

13 “(B) irresolvably ambiguous biological sex
14 characteristics of such minor, including the
15 presence of—

16 “(i) 46 XX chromosomes with
17 virilization;

18 “(ii) 46 XY chromosomes with
19 undervirilization; or

20 “(iii) both ovarian and testicular tis-
21 sue; or

22 “(C) an infection, injury, disease, or dis-
23 order caused or exacerbated by gender-related
24 medical treatment that was furnished to such
25 minor.

1 “(2) EXCEPTION FOR MINORS.—A minor who
2 seeks gender-related medical treatment, or on whom
3 gender-related medical treatment was performed,
4 shall not be considered to have violated the prohibi-
5 tion in subsection (a).

6 “(d) DEFINITIONS.—In this section:

7 “(1) GENDER-RELATED MEDICAL TREAT-
8 MENT.—The term ‘gender-related medical treatment’
9 means—

10 “(A) with respect to a female individual,
11 medical treatments provided for purposes of ad-
12 dressing the perception of such individual that
13 the gender or sex of such individual is not fe-
14 male, including—

15 “(i) surgical procedures, including—

16 “(I) vaginectomy;

17 “(II) hysterectomy;

18 “(III) oophorectomy;

19 “(IV) reconstruction of the ure-
20 thra;

21 “(V) metoidioplasty;

22 “(VI) phalloplasty;

23 “(VII) salpingo-oophorectomy;

24 “(VIII) scrotoplasty;

1 “(IX) implantation of erection or
2 testicular prostheses;

3 “(X) subcutaneous mastectomy;

4 “(XI) vocal cord surgery;

5 “(XII) pectoral implants; and

6 “(XIII) penile transplantation;

7 “(ii) exogenous doses of testosterone
8 or other androgens; and

9 “(iii) puberty blockers, including—

10 “(I) GnRH agonists; and

11 “(II) synthetic drugs that sup-
12 press the production of estrogen and
13 progesterone or delay or suppress pu-
14 bertal development in female individ-
15 uals; and

16 “(B) with respect to a male individual,
17 medical treatments provided for purposes of ad-
18 dressing the perception of such individual that
19 the gender or sex of such individual is not male,
20 including—

21 “(i) surgical procedures, including—

22 “(I) penectomy;

23 “(II) orchiectomy;

24 “(III) vaginoplasty;

25 “(IV) clitoroplasty;

- 1 “(V) vulvoplasty;
2 “(VI) augmentation
3 mammoplasty;
4 “(VII) facial feminization sur-
5 gery;
6 “(VIII) vocal cord surgery;
7 “(IX) chondrolaryngoplasty;
8 “(X) gluteal augmentation; and
9 “(XI) uterine transplantation;
10 “(ii) exogenous doses of estrogen; and
11 “(iii) puberty blockers, including—
12 “(I) GnRH agonists; and
13 “(II) synthetic drugs that sup-
14 press the production of testosterone or
15 delay or suppress pubertal develop-
16 ment in male individuals.
- 17 “(2) FEMALE.—The term ‘female’ means an in-
18 dividual who naturally has, had, will have, or would
19 have, but for a developmental or genetic anomaly or
20 historical accident, the reproductive system that at
21 some point produces, transports, and utilizes eggs
22 for fertilization.
- 23 “(3) GENDER.—The term ‘gender’—
24 “(A) means—

1 “(i) males, females, or the natural dif-
2 ferences between males and females, unless
3 such term is otherwise specified or used
4 alone, rather than with or as an adjective
5 modifying other words; and

6 “(ii) a synonym for sex; and

7 “(B) does not mean gender identity, expe-
8 rienced gender, gender expression, or gender
9 roles.

10 “(4) MALE.—The term ‘male’ means an indi-
11 vidual who naturally has, had, will have, or would
12 have, but for a developmental or genetic anomaly or
13 historical accident, the reproductive system that at
14 some point produces, transports, and utilizes sperm
15 for fertilization.

16 “(5) MINOR.—The term ‘minor’ means an indi-
17 vidual under 18 years of age.

18 “(6) SEX.—The term ‘sex’ means the biological
19 determination as to whether an individual is male or
20 female.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for such chapter is amended by inserting after the item
23 relating to section 116 the following new item:

“116A. Gender-related medical treatment for minors.”.

1 **SEC. 3. PROHIBITING PAYMENT AND PARTICIPATION**
2 **UNDER MEDICARE WITH RESPECT TO GEN-**
3 **DER-RELATED MEDICAL TREATMENT FOR MI-**
4 **NORS.**

5 (a) EXCLUDING FROM COVERAGE GENDER-RELATED
6 MEDICAL TREATMENT FOR MINORS.—Section 1862(a) of
7 the Social Security Act (42 U.S.C. 1395y(a)) is amend-
8 ed—

9 (1) in paragraph (24), by striking “or” at the
10 end;

11 (2) in paragraph (25), by striking the period at
12 the end and inserting “; or”; and

13 (3) by inserting after paragraph (25) the fol-
14 lowing new paragraph:

15 “(26) beginning on the date that is 90 days
16 after the date of the enactment of the Childhood
17 Genital Mutilation Prevention Act, which constitute
18 gender-related medical treatment for minors de-
19 scribed in section 116A of chapter 7 of title 18,
20 United States Code, and are not provided for the
21 purposes described in subsection (c)(1) of such sec-
22 tion.”.

23 (b) EXCLUDING FROM PARTICIPATION PROVIDERS
24 FURNISHING GENDER-RELATED MEDICAL TREATMENT
25 FOR MINORS.—Section 1866 of the Social Security Act

1 (42 U.S.C. 1395cc) is amended by adding at the end the
2 following new subsection:

3 “(l) EXCLUSION OF PROVIDERS FURNISHING GEN-
4 DER-RELATED MEDICAL TREATMENT FOR MINORS.—Be-
5 ginning on the date that is 90 days after the date of the
6 enactment of the Childhood Genital Mutilation Prevention
7 Act, with respect to a provider of services or supplier that,
8 on or after the date that is 90 days after such date of
9 enactment, furnishes gender-related medical treatment for
10 minors, as described in section 116A of chapter 7 of title
11 18, United States Code to any individual (other than such
12 a treatment that is furnished for the purposes described
13 in subsection (c)(1) of such section), regardless of whether
14 such individual is entitled to benefits under part A or en-
15 rolled under part B—

16 “(1) if such provider of services or supplier is
17 enrolled in the program under this title, the Sec-
18 retary shall terminate such enrollment; and

19 “(2) the Secretary may not enroll such provider
20 of services or supplier as a new provider of services
21 or supplier in the program under this title.”.

1 **SEC. 4. PROHIBITION ON FEDERAL FUNDING FOR GENDER-**
2 **RELATED MEDICAL TREATMENT FOR MI-**
3 **NORS.**

4 No funds authorized or appropriated by Federal law,
5 and none of the funds in any trust fund to which funds
6 are authorized or appropriated by Federal law, shall be
7 obligated or expended for any gender-related medical
8 treatment furnished to a minor (as such terms are used
9 for purposes of section 116A of chapter 7 of title 18,
10 United States Code) or for any health benefits coverage
11 that includes coverage for gender-related medical treat-
12 ment furnished to a minor.