

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To amend title III of the Public Health Service Act to reauthorize the program of payments to children’s hospitals that operate graduate medical education programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend title III of the Public Health Service Act to reauthorize the program of payments to children’s hospitals that operate graduate medical education programs, 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 “Children’s Hospital
5 GME Support Reauthorization Act of 2023”.

1 **SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOS-**
2 **PITALS THAT OPERATE GRADUATE MEDICAL**
3 **EDUCATION PROGRAMS.**

4 Section 340E of the Public Health Service Act (42
5 U.S.C. 256e) is amended—

6 (1) in subsection (a), by striking “2023” and
7 inserting “2028”;

8 (2) in subsection (b)(3)(D), by inserting “and
9 the end of fiscal year 2028,” after “fiscal year
10 2022,”;

11 (3) in subsection (e), by adding at the end the
12 following new paragraph:

13 “(4) PROHIBITION ON PAYMENTS TO HOS-
14 PITALS FURNISHING GENDER-AFFIRMING CARE TO
15 MINORS.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other provision of this section, no payment may
18 be made under this section to a children’s hos-
19 pital for a fiscal year (beginning with fiscal year
20 2024) if, at any point during the preceding fis-
21 cal year, such hospital furnished gender-affirm-
22 ing care (as defined in subsection (g)) to an in-
23 dividual under 18 years of age.

24 “(B) SPECIAL RULE FOR FISCAL YEAR
25 2024.—In applying subparagraph (A) with re-
26 spect to payments described in such subpara-

1 graph for fiscal year 2024, the reference to ‘the
2 preceding fiscal year’ shall be treated as a ref-
3 erence to ‘the period beginning on July 1, 2023,
4 and ending on September 30, 2023’.

5 “(C) RULE OF CONSTRUCTION.—Nothing
6 in this paragraph shall be construed as prohib-
7 iting payments for a fiscal year to a hospital
8 that, during the preceding fiscal year (or, in the
9 case of payments for fiscal year 2024, during
10 the period described in subparagraph (B)), fur-
11 nished mental or behavioral health services to
12 individuals under 18 years of age for the treat-
13 ment of gender dysphoria not consisting of gen-
14 der-affirming care.”;

15 (4) in subsection (f)—

16 (A) in paragraph (1)(A)(vi), by striking
17 “2023” and inserting “2028”; and

18 (B) in paragraph (2)(F), by striking
19 “2023” and inserting “2028”; and

20 (5) in subsection (g), by adding at the end the
21 following new paragraph:

22 “(4) GENDER-AFFIRMING CARE.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the term ‘gender-affirming

1 care' means, with respect to an individual, any
2 of the following:

3 “(i) Performing any surgery for the
4 purpose of changing the body of such indi-
5 vidual to correspond to a sex that differs
6 from their biological sex, including—

7 “(I) castration;

8 “(II) orchiectomy;

9 “(III) serotoplasty;

10 “(IV) vasectomy;

11 “(V) hysterectomy;

12 “(VI) oophorectomy;

13 “(VII) ovariectomy;

14 “(VIII) metoidioplasty;

15 “(IX) penectomy;

16 “(X) phalloplasty;

17 “(XI) vaginoplasty;

18 “(XII) vaginectomy;

19 “(XIII) vulvoplasty;

20 “(XIV) reduction

21 thyrochondroplasty;

22 “(XV) chondrolaryngoplasty; and

23 “(XVI) mastectomy.

1 “(ii) Any plastic surgery that femi-
2 nizes or masculinizes the facial features for
3 the purposes described in clause (i).

4 “(iii) Any placement of chest implants
5 to create feminine breasts for the purposes
6 described in clause (i).

7 “(iv) Any placement of fat or artificial
8 implants in the gluteal region for the pur-
9 poses described in clause (i).

10 “(v) Administering, supplying, pre-
11 scribing, dispensing, distributing, or other-
12 wise conveying to an individual medications
13 for the purposes described in clause (i), in-
14 cluding—

15 “(I) gonadotropin-releasing hor-
16 mone (GnRH) analogues or other pu-
17 berty-blocking drugs to stop or delay
18 normal puberty;

19 “(II) testosterone or other
20 androgens to biological females at
21 doses that are supraphysiologic to the
22 female sex; and

23 “(III) estrogen to biological
24 males at doses that are
25 supraphysiologic to the male sex.

1 “(B) EXCEPTION.—Subparagraph (A)
2 shall not apply to the following individuals:

3 “(i) An individual with both ovarian
4 and testicular tissue.

5 “(ii) An individual with respect to
6 whom a physician has determined through
7 genetic or biochemical testing that the in-
8 dividual does not have normal sex chro-
9 mosome structure, sex steroid hormone
10 production, or sex steroid hormone action.

11 “(iii) An individual experiencing infec-
12 tion, disease, injury, or disorder caused or
13 exacerbated by previous gender transition
14 procedures.

15 “(iv) An individual suffering from a
16 physical disorder, physical injury, or phys-
17 ical illness that would, as certified by a
18 physician, place the individual in imminent
19 danger of death or impairment of a major
20 bodily function unless the procedure is per-
21 formed.

22 “(C) BIOLOGICAL SEX.—For purposes of
23 subparagraph (A), the term ‘biological sex’
24 means the indication of male or female sex by
25 reproductive potential or capacity, sex chro-

1 mosomes, naturally occurring sex hormones, go-
2 nads, or internal or external genitalia present at
3 birth.”.