

Committee Print

(SHOWING THE TEXT OF H.R. 3887, AS FAVORABLY FORWARDED BY THE
SUBCOMMITTEE ON HEALTH ON JULY 13, 2023)

118TH CONGRESS
1ST SESSION

H. R. 3887

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

Mr. CRENSHAW 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 SPECIFIED PROCEDURES AND
15 DRUGS TO 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 specified pro-
22 cedures and drugs (as defined in subsection (g))
23 to an individual under 18 years of age.

24 “(B) SPECIAL RULE FOR FISCAL YEAR
25 2024.—In applying subparagraph (A) with re-

1 spect to payments described in such subpara-
2 graph for fiscal year 2024—

3 “(i) the reference to ‘for a fiscal year’
4 shall be treated as a reference to ‘for any
5 portion of fiscal year 2024 occurring after
6 December 31, 2023’; and

7 “(ii) the reference to ‘the preceding
8 fiscal year’ shall be treated as a reference
9 to ‘the period beginning on September 1,
10 2023, and ending on December 31, 2023’.

11 “(C) RULE OF CONSTRUCTION.—Nothing
12 in this paragraph shall be construed as prohib-
13 iting payments for a fiscal year (or, in the case
14 of payments for fiscal year 2024, during the
15 portion of such fiscal year described in subpara-
16 graph (B)(i)) to a hospital that, during the pre-
17 ceding fiscal year (or, in the case of payments
18 for fiscal year 2024, during the period de-
19 scribed in subparagraph (B)(ii)), furnished
20 mental or behavioral health services to individ-
21 uals under 18 years of age for the treatment of
22 gender dysphoria not consisting of specified
23 procedures and drugs.”;

24 (4) in subsection (f)—

25 (A) in paragraph (1)(A)—

1 (i) in clause (v), by striking “and” at
2 the end;

3 (ii) in clause (vi), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(vii) for each of fiscal years 2024
8 through 2028, \$124,000,000.”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (E), by striking
11 “and” at the end;

12 (ii) in subparagraph (F), by striking
13 the period at the end and inserting “;
14 and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(G) for each of fiscal years 2024 through
18 2028, \$261,000,000”; and

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

21 “(4) SPECIFIED PROCEDURES AND DRUGS.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), the term ‘specified proce-
24 dures and drugs’ means, with respect to an in-
25 dividual, any of the following:

- 1 “(i) Performing any surgery for the
2 purpose of changing the body of such indi-
3 vidual to correspond to a sex that differs
4 from their biological sex, including—
- 5 “(I) castration;
 - 6 “(II) orchiectomy;
 - 7 “(III) scrotoplasty;
 - 8 “(IV) vasectomy;
 - 9 “(V) hysterectomy;
 - 10 “(VI) oophorectomy;
 - 11 “(VII) ovariectomy;
 - 12 “(VIII) metoidioplasty;
 - 13 “(IX) penectomy;
 - 14 “(X) phalloplasty;
 - 15 “(XI) vaginoplasty;
 - 16 “(XII) vaginectomy;
 - 17 “(XIII) vulvoplasty;
 - 18 “(XIV) reduction
19 thyrochondroplasty;
 - 20 “(XV) chondrolaryngoplasty; and
 - 21 “(XVI) mastectomy.
- 22 “(ii) Any plastic surgery that femi-
23 nizes or masculinizes the facial features for
24 the purposes described in clause (i).

1 “(iii) Any placement of chest implants
2 to create feminine breasts for the purposes
3 described in clause (i).

4 “(iv) Any placement of fat or artificial
5 implants in the gluteal region for the pur-
6 poses described in clause (i).

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

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

16 “(II) testosterone or other
17 androgens to biological females at
18 doses that are supraphysiologic to the
19 female sex; and

20 “(III) estrogen to biological
21 males at doses that are
22 supraphysiologic to the male sex.

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

1 “(i) An individual with both ovarian
2 and testicular tissue.

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

9 “(iii) An individual experiencing infec-
10 tion, disease, injury, or disorder caused or
11 exacerbated by previous medical proce-
12 dures as defined in subsection (g)(4)(A).

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

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

1 nads, or internal or external genitalia present at
2 birth.”.