

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3887  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Children’s Hospital  
3 GME Support Reauthorization Act of 2023”.

**4 SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN’S HOS-  
5 PITALS THAT OPERATE GRADUATE MEDICAL  
6 EDUCATION PROGRAMS.**

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

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

11 (2) in subsection (b)(3)(D), by inserting “and  
12 the end of fiscal year 2028,” after “fiscal year  
13 2022,”;

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

16 “(4) PROHIBITION ON PAYMENTS TO HOS-  
17 PITALS FURNISHING SPECIFIED PROCEDURES AND  
18 DRUGS TO MINORS.—

1           “(A) IN GENERAL.—Notwithstanding any  
2 other provision of this section, no payment may  
3 be made under this section to a children’s hos-  
4 pital for a fiscal year (beginning with fiscal year  
5 2024) if, at any point during the preceding fis-  
6 cal year, such hospital furnished specified pro-  
7 cedures and drugs (as defined in subsection (g))  
8 to an individual under 18 years of age.

9           “(B) SPECIAL RULE FOR FISCAL YEAR  
10 2024.—In applying subparagraph (A) with re-  
11 spect to payments described in such subpara-  
12 graph for fiscal year 2024—

13                 “(i) the reference to ‘for a fiscal year’  
14 shall be treated as a reference to ‘for any  
15 portion of fiscal year 2024 occurring after  
16 December 31, 2023’; and

17                 “(ii) the reference to ‘the preceding  
18 fiscal year’ shall be treated as a reference  
19 to ‘the period beginning on September 1,  
20 2023, and ending on December 31, 2023’.

21           “(C) RULE OF CONSTRUCTION.—Nothing  
22 in this paragraph shall be construed as prohib-  
23 iting payments for a fiscal year (or, in the case  
24 of payments for fiscal year 2024, during the  
25 portion of such fiscal year described in subpara-

1 graph (B)(i)) to a hospital that, during the pre-  
2 ceeding fiscal year (or, in the case of payments  
3 for fiscal year 2024, during the period de-  
4 scribed in subparagraph (B)(ii)), furnished  
5 mental or behavioral health services to individ-  
6 uals under 18 years of age for the treatment of  
7 gender dysphoria not consisting of specified  
8 procedures and drugs.”;

9 (4) in subsection (f)—

10 (A) in paragraph (1)(A)—

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

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

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

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

19 (B) in paragraph (2)—

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

22 (ii) in subparagraph (F), by striking  
23 the period at the end and inserting “;  
24 and”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(G) for each of fiscal years 2024 through  
4 2028, \$261,000,000”; and

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

7 “(4) SPECIFIED PROCEDURES AND DRUGS.—

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

12 “(i) Performing any surgery for the  
13 purpose of changing the body of such indi-  
14 vidual to correspond to a sex that differs  
15 from their biological sex, including—

16 “(I) castration;

17 “(II) orchiectomy;

18 “(III) serotoplasty;

19 “(IV) vasectomy;

20 “(V) hysterectomy;

21 “(VI) oophorectomy;

22 “(VII) ovariectomy;

23 “(VIII) metoidioplasty;

24 “(IX) penectomy;

25 “(X) phalloplasty;

1 “(XI) vaginoplasty;

2 “(XII) vaginectomy;

3 “(XIII) vulvoplasty;

4 “(XIV) reduction

5 thyrochondroplasty;

6 “(XV) chondrolaryngoplasty; and

7 “(XVI) mastectomy.

8 “(ii) Any plastic surgery that femi-  
9 nizes or masculinizes the facial features for  
10 the purposes described in clause (i).

11 “(iii) Any placement of chest implants  
12 to create feminine breasts for the purposes  
13 described in clause (i).

14 “(iv) Any placement of fat or artificial  
15 implants in the gluteal region for the pur-  
16 poses described in clause (i).

17 “(v) Administering, supplying, pre-  
18 scribing, dispensing, distributing, or other-  
19 wise conveying to an individual medications  
20 for the purposes described in clause (i), in-  
21 cluding—

22 “(I) gonadotropin-releasing hor-  
23 mone (GnRH) analogues or other pu-  
24 berty-blocking drugs to stop or delay  
25 normal puberty;

1                   “(II) testosterone or other  
2                   androgens to biological females at  
3                   doses that are supraphysiologic to the  
4                   female sex; and

5                   “(III) estrogen to biological  
6                   males at doses that are  
7                   supraphysiologic to the male sex.

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

10                   “(i) An individual with both ovarian  
11                   and testicular tissue.

12                   “(ii) An individual with respect to  
13                   whom a physician has determined through  
14                   genetic or biochemical testing that the in-  
15                   dividual does not have normal sex chro-  
16                   mosome structure, sex steroid hormone  
17                   production, or sex steroid hormone action.

18                   “(iii) An individual experiencing infec-  
19                   tion, disease, injury, or disorder caused or  
20                   exacerbated by previous medical proce-  
21                   dures as defined in subsection (g)(4)(A).

22                   “(iv) An individual suffering from a  
23                   physical disorder, physical injury, or phys-  
24                   ical illness that would, as certified by a  
25                   physician, place the individual in imminent

1 danger of death or impairment of a major  
2 bodily function unless the procedure is per-  
3 formed.

4 “(C) BIOLOGICAL SEX.—For purposes of  
5 subparagraph (A), the term ‘biological sex’  
6 means the indication of male or female sex by  
7 reproductive potential or capacity, sex chro-  
8 mosomes, naturally occurring sex hormones, go-  
9 nads, or internal or external genitalia present at  
10 birth.”.

