

118TH CONGRESS
1ST SESSION

H. R. 5196

To expand protections under the Exceptional Family Member Program of the Department of Defense for transgender dependents of members of the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 11, 2023

Mr. PANETTA (for himself, Ms. JACOBS, Mr. MOULTON, Ms. NORTON, Mr. VEASEY, Mr. JOHNSON of Georgia, Ms. STRICKLAND, Mr. GALLEGRO, Mr. NADLER, Mr. LIEU, Ms. TITUS, Ms. SCHAKOWSKY, Mr. POCAN, Mrs. HAYES, Ms. SCANLON, and Mr. TORRES of New York) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To expand protections under the Exceptional Family Member Program of the Department of Defense for transgender dependents of members of the Armed Forces, 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 “Armed Forces
5 Transgender Dependent Protection Act”.

1 **SEC. 2. EXPANSION OF PROTECTIONS FOR TRANSGENDER**
2 **DEPENDENTS OF MEMBERS OF THE ARMED**
3 **FORCES UNDER THE EXCEPTIONAL FAMILY**
4 **MEMBER PROGRAM.**

5 Section 1781c of title 10, United States Code, is
6 amended—

7 (1) in subsection (d)(3), by adding at the end
8 the following new subparagraph:

9 “(F) Prohibition of assignment of such a mem-
10 ber (except at the election of such member) to a per-
11 manent duty location in a jurisdiction where foreign,
12 State, or local law restricts medically necessary
13 treatment for a medical or educational special need.
14 Such a member who is serving at a permanent duty
15 location in such a jurisdiction while such government
16 enacts a law establishing such restriction may, not
17 later than 30 days after such enactment, elect to be
18 reassigned by the Secretary concerned to a perma-
19 nent duty location not located in such a jurisdic-
20 tion.”;

21 (2) in subsection (h), by striking “(as defined
22 by the Secretary in regulations for purposes of this
23 section)”;

24 (3) by adding at the end the following new sub-
25 section:

1 “(i) MEDICAL OR EDUCATIONAL SPECIAL NEED DE-
2 FINED.—In this section, the term ‘medical or educational
3 special need’ includes the following:

4 “(1) A potentially life-threatening or chronic
5 condition that requires—

6 “(A) follow-up support more than once a
7 year; or

8 “(B) specialty care.

9 “(2) A current and chronic mental health condi-
10 tion.

11 “(3) A frequent need for mental health care.

12 “(4) Asthma or other chronic respiratory condi-
13 tion that includes wheezing.

14 “(5) Gender dysphoria.

15 “(6) A condition that requires—

16 “(A) adaptive equipment;

17 “(B) assistive technology devices or serv-
18 ices; or

19 “(C) environmental or architectural consid-
20 erations.

21 “(7) Special educational need.”.

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