

December 9, 2024

Dear Member of Congress:

ACLU Urges NO Vote on National Defense Authorization Act
Includes Provision Attacking the Health and Wellbeing of Transgender
Children of Servicemembers



AMERICAN CIVIL LIBERTIES UNION

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The American Civil Liberties Union urges all members of Congress to vote NO on the National Defense Authorization Act (Senate Amendment to H.R. 5009) over the inclusion of a deeply harmful, unconstitutional provision (Sec. 708) that is intended to eliminate access to medically necessary, even life-saving, health care for transgender children of servicemembers. **Given the civil liberties importance of this vote, the ACLU will be scoring it.**

Sec. 708 would discriminatorily prohibit coverage under TRICARE for “medical interventions for the treatment of gender dysphoria” such as hormone therapy and puberty-suppressant medications. These very same treatments would continue to be covered under TRICARE for any medical purpose other than treating gender dysphoria, which is the clinical diagnosis for the psychological distress experienced by transgender people.

If passed by Congress and signed into law by President Biden, this devastating attack on the health and freedom of military families with transgender children would be the first new anti-LGBTQ provision in federal statute since the passage of “Don’t Ask, Don’t Tell” and the so-called “Defense of Marriage Act” in the 1990s.

Leading medical and mental health organizations in the country, including the American Medical Association, the American Psychological Association, and the American Academy of Pediatrics, agree that this health care is safe, effective, and saves lives. Medical and mental health treatment for transgender people, including for those who are under the age of 18, is always guided by evidence-based clinical guidelines and always based on the individual needs of each patient. Under current TRICARE rules, this treatment cannot be provided without the knowledge and consent of a child’s parent or legal guardian.

Members of Congress should not place themselves between patients, families, and doctors. By targeting the health of transgender people, Sec. 708 violates the constitutional guarantee of equal protection under the law. Members of Congress must not deny U.S. servicemembers the ability to provide for their children the care medical professionals are recommending for their children’s health and well-being, especially since this care has been provided through TRICARE without incident for years.

The ACLU urges all members of Congress to stand with military families with transgender children by voting NO on the National Defense Authorization Act (Senate Amendment to H.R. 5009). Thank you for your attention to this critical matter, and should you have any questions, please contact Ian Thompson at ithompson@aclu.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Zamore", with a stylized flourish at the end.

Mike Zamore
National Director, Policy and Government Affairs

