

116TH CONGRESS  
1ST SESSION

# S. 373

To provide for the retention and service of transgender individuals in the  
Armed Forces.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Mrs. GILLIBRAND (for herself, Ms. COLLINS, and Mr. REED) introduced the  
following bill; which was read twice and referred to the Committee on  
Armed Services

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## A BILL

To provide for the retention and service of transgender  
individuals in the Armed Forces.

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. RETENTION AND SERVICE OF TRANSGENDER**

4 **INDIVIDUALS IN THE ARMED FORCES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that—

7 (1) individuals who are qualified and can meet  
8 the standards to serve in the military should be eligi-  
9 ble to serve; and

1           (2) the policies recommended in the memo-  
2           randum of the Secretary of Defense entitled “Mili-  
3           tary Service by Transgender Individuals” and dated  
4           February 22, 2018, are inconsistent with this goal.

5           (b) RETENTION OF CURRENTLY SERVING MEMBERS  
6           OF THE ARMED FORCES.—An individual serving as a  
7           member of the Armed Forces on or after the date of the  
8           enactment of this Act may not be involuntarily separated  
9           from the Armed Forces, or denied reenlistment or continu-  
10          ation in service in the Armed Forces, solely on the basis  
11          of the member’s gender identity. Nothing in this sub-  
12          section relieves a member from meeting applicable military  
13          and medical standards, including deployability, or requires  
14          retention of the member in service if the member fails to  
15          meet such standards.

16          (c) ACCESSION INTO THE ARMED FORCES.—On or  
17          after the date of the enactment of this Act, an individual  
18          may not be denied initial enlistment, commissioning, or  
19          other accession into the Armed Forces solely on the basis  
20          of the individual’s gender identity. Nothing in this sub-  
21          section relieves an individual from meeting applicable mili-  
22          tary and medical standards, including deployability, for  
23          enlistment, commissioning, or other accession.

24          (d) GENDER IDENTITY DEFINED.—In this section,  
25          the term “gender identity” means the gender-related iden-

1 tity, appearance, mannerisms, or other gender-related  
2 characteristics of an individual, regardless of the individ-  
3 ual's designated sex at birth.

