

119TH CONGRESS
1ST SESSION

S. _____

To amend title 10, United States Code, to prohibit discrimination in the Armed Forces on the basis of gender identity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. WARREN (for herself, Ms. DUCKWORTH, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. MARKEY, Mr. WYDEN, Ms. HIRONO, Mr. MERKLEY, Mr. FETTERMAN, Mr. VAN HOLLEN, Mr. SANDERS, Mr. KIM, Mr. BOOKER, Mr. SCHATZ, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 10, United States Code, to prohibit discrimination in the Armed Forces on the basis of gender identity, 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 “Fit to Serve Act”.

1 **SEC. 2. PROHIBITION ON DISCRIMINATION IN THE ARMED**
2 **FORCES ON THE BASIS OF GENDER IDEN-**
3 **TITY.**

4 Chapter 49 of title 10, United States Code, is amend-
5 ed by inserting after section 974 the following new section:

6 **“§ 975. Prohibition on discrimination on the basis of**
7 **gender identity**

8 “(a) PROHIBITION.—The Secretary concerned may
9 not, on the basis of gender identity (including a diagnosis
10 or potential diagnosis of gender dysphoria)—

11 “(1) prescribe a qualification for service as a
12 member of the armed forces;

13 “(2) involuntarily separate a member of the
14 armed forces;

15 “(3) deny medically necessary health care cov-
16 erage to a member of the armed forces;

17 “(4) require an individual to serve as a member
18 of the armed forces in the sex assigned at birth to
19 the member;

20 “(5) deny accession, reenlistment, or continu-
21 ation of service as a member of the armed forces; or

22 “(6) otherwise discriminate against a member
23 of the armed forces.

24 “(b) GENDER IDENTITY DEFINED.—In this section,
25 the term ‘gender identity’ means the gender-related iden-
26 tity, appearance, mannerisms, or other gender-related

1 characteristics of an individual, regardless of the individ-
2 ual's designated sex at birth.”.