

ENSURING MILITARY READINESS ACT OF 2023

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In 2016, President Obama's Department of Defense (DoD) issued a policy to allow unrestricted service by individuals who identify as transgender. In 2018, then Secretary Mattis changed this policy to exclude those who suffered from gender dysphoria or who had recently experienced it. President Biden has since undone the Trump era policy and expanded eligibility for individuals who identify as transgender.

The DoD has always taken the physical and mental characteristics of individuals into account when determining eligibility for service. Disqualifying conditions include mental health issues such as a history of depression or anxiety that require medication or hospitalization, learning disorders like ADD or ADHD that require medication, as well as peanut or gluten allergies. Individuals with gender dysphoria in the military suffer from higher rates of mental health conditions than fellow service members: they are eight times more likely to commit suicide, they are between eight and nine times more likely to experience severe anxiety, and ten times more likely to have mental health encounters .

The *Ensuring Military Readiness Act* requires the Secretary of Defense, within 90 days, to issue regulations that achieve the following ends:

- 1) Disqualifies all individuals who identify as transgender who have a history or have been diagnosed with gender dysphoria unless:
 - a. They have been stable in their biological sex for 36 months prior to joining the military;
 - b. They are already in the military, are stable in their biological sex, and remain deployable according to the retention standards of their biological sex;
 - c. Those serving on the date of enactment of the legislation who have been diagnosed with gender dysphoria may continue to serve according to their biological sex, and may receive medically necessary treatment except for transportation procedures (defined to include transition surgery or hormone therapy).
- 2) Disqualifies any individual who identifies as transgender who seeks or has already undertaken gender reassignment surgery.
- 3) Allows any individual who identifies as transgender without a history or diagnosis of gender dysphoria who are otherwise qualified for service to serve in their biological sex.
- 4) Requires the Secretary to change how DEERS works to only allow biological sex to be taken into consideration for gender markers, with no means of identifying as a different gender than birth sex, and to retroactively change back any gender markers currently in the system that do not match a service member's biological sex.

Heritage Action, Family Research Council, Concerned Women for America, CatholicVote, and the American Principles Project are supportive of the legislation.