



H. Res. 124 - Expressing opposition to banning service in the Armed Forces by openly transgender individuals (Rep. Kennedy, D-MA)

FLOOR SCHEDULE:

Expected to be considered on March 28, 2019 under a [closed](#) rule.

TOPLINE SUMMARY:

[H. Res. 124](#) would express the opposition of the House of Representatives to the administration's [transgender troop policy](#) signed in March of 2019 by Deputy Defense Secretary Norquist under the direction of President Trump. The policy was announced in March of 2018 and will go into effect on April 12, 2019.

COST:

A Congressional Budget Office (CBO) score is not available.

CONSERVATIVE VIEWS:

Some conservatives may feel that the military has wide authority to decide its own policies without Congressional intervention.

Some conservatives [may feel](#) that this resolution encourages the armed forces to willfully go against policy orders originating from the President, the Commander-in-Chief of the military.

Other conservatives may feel concerned that the high costs associated with medical treatment associated with gender transition and dysphoria are too great for the military to bear, in addition to the possible [psychological](#) consequences associated with a gender dysphoria diagnosis.

Other conservatives may feel that reports cited by Democrats in support of the Obama-era policy are [significantly flawed](#), failing to address the impact of gender dysphoria diagnoses on unit readiness.

Other conservatives may feel that the legislation directs the armed forces to ignore [concerns](#) about combat readiness in considering transgender applicants to the armed forces.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

On July 1, 2016, the Obama administration [announced](#) a new policy regarding transgender individuals serving in the military. The new policy eliminated the prohibition on service, allowing those that identify as transgender to openly serve in the military as of July 1, 2017. This deadline was then postponed for six months by Defense Secretary Mattis in June of 2017. In July of 2017, President Trump announced the reversal of the Obama-era policy, later directing Secretary Mattis to craft guidance to implement the policy reversal. During this time period, four lawsuits were filed challenging the Trump administration's decision to reverse the Obama-era policy. In January of 2018, the military began accepting applications for service from transgender individuals as the court injunctions remained in place. The Defense Department issued the administration's [transgender troop policy](#) on March 13, 2019. The policy will go into effect on April 12, 2019. The Supreme Court voted to lift two of the holds on the implementation of the policy in February and a Federal judge in [Maryland](#) subsequently lifted another. On March 26, 2019, the D.C. Circuit Court of Appeals [lifted](#) the last remaining preliminary injunction.

Under the memo issued by the Defense Department several policies are enumerated:

- Current transgender service members with a diagnosis of gender dysphoria would be grandfathered under the Obama-era policy and would be exempt from the Trump Administration's policy change.
- Non-exempt transgender individuals would be permitted to serve openly in the military, so long as they are capable of serving in their biologically assigned sex.
- Applicants diagnosed with gender dysphoria must be medically stable for a minimum of 36 months (previous policy required stability for 18 months), prior to entering military service, and they must serve in their biologically assigned sex.
- Applicants that have undergone treatment to medically transition would be presumptively disqualified from serving in the military. Applicants would be permitted to file a waiver request to the provisions outlined in the memo.

An infographic detailing the specifics of the policy issued by the Department of Defense can be found [here](#).

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OUTSIDE GROUPS:

Oppose

Heritage Action – [Key Vote](#)

Heritage Foundation ([Supports President's policy](#))
Family Research Council - [Key Vote No](#)
[American Family Association of Pennsylvania](#)
[American Principles Project](#)
[Center for Military Readiness](#)
Concerned Women for America
[Eagle Forum](#)

Support

American Civil Liberties Union ([Opposition to President's Policy](#))
National Center for Transgender Equality ([Opposition to President's Policy](#))
Human Rights Campaign ([Opposition to President's Policy](#))

COMMITTEE ACTION:

H. Res. 124 was introduced on February 11, 2019 and was referred to the House Committee on Armed Services.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available; policy being castigated by the resolution was generated at his request.

CONSTITUTIONAL AUTHORITY:

A Constitutional Authority Statement is not required.

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